

# KENYA NATIONAL ARCHIVES

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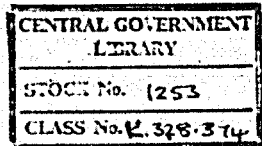
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A. T. LACEY



COLONY AND PROTECTORATE OF KENYA

# LEGISLATIVE COUNCIL DEBATES OFFICIAL REPORT

SECOND SERIES

VOLUME XIV

1942

First Session: 14th April to 18th September

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# List of Members of the Legislative Council

## President:

HIS EXCELLENCY THE ACTING GOVERNOR, HON. G. M. RENNIE, C.M.G., M.C. (1)

## Ex Officio Members:

CHIEF SECRETARY, ACTING (HON. E. R. E. SURRIDGE) (2)  
 ATTORNEY GENERAL (HON. W. HARRAGIN, C.M.G., K.C.)  
 FINANCIAL SECRETARY (HON. L. TESTER, C.M.G., M.C.) (3) and (4)  
 CHIEF NATIVE COMMISSIONER (HON. E. B. HOSKING, O.B.E.)  
 DIRECTOR OF MEDICAL SERVICES (DR. THE HON. A. R. PATERSON, C.M.G.)  
 DIRECTOR OF AGRICULTURE (HON. D. L. BLUNT)  
 DIRECTOR OF EDUCATION (HON. A. T. LACEY, O.B.E.) (5)  
 GENERAL MANAGER, K.U.R. & H. (HON. R. E. ROBINS, C.M.G., O.B.E.) (6)  
 DIRECTOR OF PUBLIC WORKS (HON. J. C. STRONACH, C.M.G.)  
 COMMISSIONER OF CUSTOMS (HON. A. W. NORTHROP)  
 COMMISSIONER OF LANDS AND SETTLEMENT (HON. C. E. MORTIMER, M.B.E.)

## Nominated Official Members:

HON. H. M. GARDNER, O.B.E. (Conservator of Forests).  
 HON. S. O. V. HODGE, C.M.G. (Prov. Commissioner, Coast).  
 HON. C. TOMKINSON (Prov. Commissioner, Central).  
 HON. S. H. FAZAN, C.B.E. (Prov. Commissioner, Nyanza).  
 HON. H. IZARD (Prov. Commissioner, Rift Valley).  
 HON. T. A. BROWN (Solicitor General).  
 HON. R. DAURNEY, C.M.G., O.B.E. (Director of Veterinary Services).  
 HON. G. B. HEDDEN, C.M.G. (Postmaster General).  
 HON. R. PERRAZA (Commissioner of Mines).

## European Elected Members:

MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., Nairobi North.  
 HON. S. V. COOKE, Coast.  
 MAJOR THE HON. LADY SIDNEY FARRAR, M.B.E., Nyanza.  
 LT.-COL. THE HON. S. G. GHERSIE, Uasin Gishu. (7)  
 COL. THE HON. E. S. GROGAN, D.S.O., Ukamba.  
 LT.-COL. THE HON. J. G. KIRKWOOD, C.M.G., D.S.O., Trans Nzoia.  
 HON. W. G. D. H. NICOL, Mombasa.  
 LT.-COL. THE HON. LORD FRANCIS SCOTT, K.C.M.G., D.S.O., Rift Valley.  
 HON. A. VINCENT, Nairobi South. (8)  
 HON. MRS. O. F. WATKINS, Kiambu.  
 HON. E. H. WRIGHT, Aberdare.

## Indian Elected Members:

HON. ISHER DASS (Central).  
 HON. SHAMSUD-DEEN (Central).  
 HON. A. B. PATEL (Eastern).  
 HON. K. R. PAROO (Eastern). (9) and (10)  
 HON. R. KASIM (Western).

## Arab Elected Member:

HON. SHERIFF ABDULLA SALIM.

# LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.

## Nominated Unofficial Members:

Representing the Interests of the African Community—  
 DR. THE HON. C. J. WILSON, C.M.G., M.C.  
 HON. H. R. MONTGOMERY, C.M.G.

Representing the Interests of the Arab Community—  
 HON. SOUD BIN ALI. (11)

## Clerk to Legislative Council:

MR. R. P. ARMITAGE (Acting).

## Reporter:

MR. A. H. EDWARDS.

- (1) Vice Sir Henry Moore, K.C.M.G., absent from Colony from 7th August, 1942.
- (2) Vice Mr. Rennie from 7th August, 1942.
- (3) Vice Mr. C. R. Lockhart, C.B.E., transferred to Nigeria.
- (4) Mr. J. F. G. Troughton, M.B.E., Acting Financial Secretary from 21st to 23rd April, 1942.
- (5) Mr. C. E. Donovan, Acting Director of Education, from 19th February to 23rd June, 1942.
- (6) Vice Mr. A. E. Hamp, C.B.E., retired.
- (7) Mr. W. A. C. Bouwer acting until Col. Gheris's return to Colony.
- (8) Vice Col. F. S. Modera, D.S.O., M.C., resigned (by-election 5th August, 1942).
- (9) Vice Mr. J. B. Pandya, C.B.E., died 3rd August, 1942 (by-election 15th September, 1942).
- (10) Dr. S. D. Karve acting until 3rd August, 1942.
- (11) Vice Sheikh Hamed bin Mohamed bin Issa, resigned, as from 22nd July, 1942.

## ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

### 14th April—

Hon. Financial Secretary.  
 Hon. Director of Medical Services.  
 Hon. S. O. V. Hodge, C.M.G.  
 Hon. Arab Nominated Member.

### 15th April—

Hon. Director of Medical Services.  
 Hon. General Manager, K.U.R. & H.  
 Hon. S. O. V. Hodge, C.M.G.  
 Hon. Arab Nominated Member.

### 16th April—

Hon. General Manager, K.U.R. & H.  
 Hon. Commissioner of Customs.  
 Hon. S. O. V. Hodge, C.M.G.  
 Hon. Member for Eastern Area (Dr. S. D. Karve).  
 Hon. Arab Nominated Member.

### 21st April—

Hon. S. O. V. Hodge, C.M.G.  
 Hon. Member for Nyanza.  
 Hon. Member for Central Area (Mr. Shamsud-Deen).  
 Hon. Member for Eastern Area (Dr. S. D. Karve).  
 Hon. Arab Nominated Member.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS—Contd.

22nd April—

Hon. S. O. V. Hodge, C.M.G.  
Hon. Member for Nyanza.  
Hon. Member for Eastern Area (Dr. S. D. Karve).  
Hon. Member for Central Area (Mr. Shamsud-Deen).  
Hon. Arab Nominated Member.

23rd April—

Hon. Commissioner of Customs.  
Hon. S. O. V. Hodge, C.M.G.  
Hon. Member for Nyanza.  
Hon. Member for Eastern Area (Dr. S. D. Karve).  
Hon. Member for Central Area (Mr. Shamsud-Deen).  
Hon. Arab Nominated Member.

18th August—

Hon. Member for Central Area (Mr. Shamsud-Deen).

19th August—

Hon. Member for Central Area (Mr. Shamsud-Deen).  
Hon. Member for Native Interests (Mr. H. R. Montgomery, C.M.G.).

20th August—

Hon. S. O. V. Hodge, C.M.G.  
Hon. S. H. Fazan, C.B.E.  
Hon. Member for Central Area (Mr. Shamsud-Deen).  
Hon. Member for Native Interests (Mr. H. R. Montgomery, C.M.G.).

21st August—

Hon. S. O. V. Hodge, C.M.G.  
Hon. Member for Central Area (Mr. Shamsud-Deen).  
Hon. Member for Native Interests (Mr. H. R. Montgomery, C.M.G.).

15th September—

Hon. Arab Elected Member.  
Hon. Arab Nominated Member.

16th September—

Hon. Member for Aberdare.  
Hon. Arab Elected Member.  
Hon. Arab Nominated Member.

17th September—

Hon. Member for Nairobi North.  
Hon. Member for Native Interests (Dr. C. J. Wilson, C.M.G., M.C.).  
Hon. Arab Elected Member.  
Hon. Arab Nominated Member.

18th September—

Hon. Arab Elected Member.  
Hon. Arab Nominated Member.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

FIRST SESSION, 1942

Tuesday, 14th April, 1942

Council assembled at the Memorial Hall, Nairobi, at 11 a.m. on Tuesday, 14th April, 1942, His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

The Proclamation summoning Council was read.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to:—

C. E. Donovan, Esq., Acting Director of Education.

Hon. W. A. C. Bouwer, Acting Member for Uasin Gishu.

Dr. S. D. Karve, Acting Member for Eastern Area.

PRESENTATION OF INSIGNIA

By Command of His Majesty the King, His Excellency presented:—

the insignia of Companions of the Most Distinguished Order of Saint Michael and Saint George to the Hon. G. M. Rennie, M.C., and the Hon. G. B. Hebden;

the insignia of Commander of the Most Excellent Order of the British Empire to Gwladys Baroness Delamere;

the insignia of Officer of the Most Excellent Order of the British Empire to J. Macintyre, Esq.;

the insignia of Members of the Most Excellent Order of the British Empire to A. H. Khaderboy, Esq., P. Wyn Harris, Esq., and Miss A. Stephen;

and the Efficiency Decoration to Lieut.-Col. F. C. G. Stratton.

COMMUNICATION FROM THE CHAIR

KENYA AND UGANDA CIVIL DEFENCE AND SUPPLY COUNCIL

His Excellency made the following Communication from the Chair:—

Honourable Members of Council,

In my broadcast of 25th March I announced the appointment of a Civil Defence and Supply Council, and explained the part which the Council would play in directing and co-ordinating our local war activities which, in the light of the general war situation, must inevitably expand over an ever-widening field.

I shall not therefore go over the ground again but, in considering within the Council itself the scope and character of the duties assigned to some of its members, a point which had already been appreciated became increasingly clear—namely, that if those duties were to be carried out to the best advantage of our common war effort, the closest possible co-operation with those responsible for the same kind of activity in the neighbouring territories was essential.

I was, therefore, particularly glad to get a message from the Governor of Uganda—the territory in which for reasons of geography and communication such co-operation is of the first importance—saying that he would like to come down and discuss ways and means of Uganda's participation in the activities of the Kenya Civil Defence and Supply Council. During last week I have had most helpful discussions with Sir Charles Dundas, Sir Wilfrid Jackson, Governor of Tanganyika, and Sir Guy Pilling. His Majesty's British Resident, Zanzibar, as to the best method of

[H.E. the Governor] effecting the inter-territorial co-ordination required. As a result, agreement was reached that the Civil Defence and Supply Council should become the "Kenya and Uganda Civil Defence and Supply Council" and that two Uganda members should serve upon it.

The following is the text of a communique which will appear both here and in Uganda to-morrow:—

"The Civil Defence and Supply Council was set up as a Kenya body but it was, of course, apparent from the start that many of the questions with which it would have to deal were in varying degrees inter-territorial in character, and that some adjustment would be needed, to enable the Council to take decisions and actions in matters in which the other territories were concerned. This applies more especially to Uganda, and as a result of discussions which have recently taken place here with the Governor of Uganda it has been agreed that, with the addition of Mr. Clay and one other person to be nominated by the Governor of Uganda to the membership of the Council, the Council's decisions affecting Uganda will be accepted and given effect to by the Government of Uganda. The Council will thus be renamed the Kenya and Uganda Civil Defence and Supply Council. It is proposed that the second Uganda member, who will be concerned mainly with civil defence and man power, should also be a member of Mr. Harragin's Civil Emergency Services Committee.

It may be asked 'What about Tanganyika and Zanzibar? Where do they come in?' For many reasons it is impracticable for them to participate effectively in the work of a body which will meet weekly and which is bound to be dealing primarily with Kenya problems. But the Governor of Tanganyika and the British Resident, Zanzibar, who will be kept informed through the Governors Conference Secretariat of the Council's work, have given assurances that if decisions of the Council require complementary action in their territories they will do their best to see that such action is taken. The Directors who are mem-

bers of the Council will communicate direct with those Governments or with specified officers in those territories.

In regard to industrial research and development, it will be remembered that at present there are two East African Committees appointed by the East African Civil Supplies Board: the Industries Technical Advisory Committee and the Industries Development Committee. These two Committees will now be reconstituted as one Committee under the chairmanship of Lieutenant-Colonel Pelling. The research programme of the East African Industrial Laboratory will be laid down by this Committee, which will also deal with the problems of the organization of production.

In connexion with transportation, the inclusion of Mr Clay as a member of the Council will enable him to take, at least for the present, the title of Director of Rail Transport. A Tanganyika representative will be added to his Rail and Shipping Priorities Committee, the appointment of which has already been announced. Mr. Vincent's title will be altered to that of Director of Road Transport."

I am sure honourable members will welcome these developments as giving the Council an inter-territorial character in those spheres of its activity which require action to be taken outside Kenya's borders. This extension of its activities, while not involving any constitutional change in either of the two territories directly concerned, does postulate a willingness on the part of both partners, including Kenya, to honour promptly any decisions of the Council. From such discussions as I have had with the Unofficial Members of this Council I have no doubt that I shall have their co-operation in seeing that this is done.

#### MINUTES

The minutes of the meeting of 19th December, 1941, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By THE CHIEF SECRETARY (MR. RENNIE): Certificate under the Legislative Council (War Provisions) Ordinance, 1941.

[H.E. the Governor]

Report of committee appointed to advise on vocational training of Europeans on demobilization.

Report of committee appointed to advise on the steps to be taken for the preparation of schemes for the vocational training of Asian men and women now serving with the Forces or doing other war work.

Registrar General's Department Annual Report for 1941.

Kenya Information Office Annual Report for 1941.

Schedule of Additional Provision No. 4 of 1941.

Statement of Colonial Loans showing the position as at 30th June, 1941.

East African Agricultural Research Station, Amani. 13th Annual Report, 1940.

By THE COMMISSIONER OF LANDS AND SETTLEMENT (MR. MORTIMER): Return of Land Grants, October to December, 1941.

#### BILLS

##### FIRST READINGS

On the motion of the Attorney General (Mr. Harragin), the following Bills were read a first time:—

The Increased Production of Crops Bill.

His Majesty's Forces (Control by Army Council) Bill.

The Land and Agricultural Bank (Amendment) Bill.

The Pyrethrum (Amendment) Bill.

The Widows and Orphans Pension (New Entrants) Bill.

The Asiatic Widows and Orphans Pension (Amendment) Bill.

The Coffee Industry (Amendment) Bill.

The European Civil Service Provident Fund (Amendment) Bill.

The Local Government (District Councils) (Amendment) Bill.

The War Risks Insurance (Amendment) Bill.

The Local Government (Municipalities) (Amendment) Bill.

Notice was given to move the subsequent readings at a later stage of the session.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 15th April, 1942.

Wednesday, 15th April, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 15th April, 1942, His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### ADMINISTRATION OF OATH

The Oath of Allegiance was administered to:—

The hon. L. Tester, C.M.G., M.C., Financial Secretary.

#### PAPERS LAID

The following papers were laid on the table:—

By MR. RENNIE: Prisons Department Annual Report for 1941.

By MR. MORTIMER: Lands and Settlement Department Annual Report for 1941.

#### ORAL ANSWERS TO QUESTIONS

##### NO. 2—EASTLEIGH POLICE STATION

MR. SHAMSUD-DEEN (Central Area):

Will Government please state:—

(a) The area in square miles within the jurisdiction of Eastleigh Police Station;

(b) The number of askaris posted at this police station?

MR. RENNIE: (a) 110 square miles. Of this area approximately seven square miles lie within the limits of the Nairobi Municipal Council; the remainder is a sparsely populated rural area;

(b) 38.

##### NO. 3—MOTOR ACCIDENTS

MR. SHAMSUD-DEEN:

Will Government please state:

(a) the number of accidents in which motor vehicles were involved since the beginning of the war in the Colony and Protectorate of Kenya?

(b) the number of pedestrians run over by civilian and military vehicles respectively in the Colony, with fatal results and otherwise?

(c) the number of such accidents where offending drivers of motor vehicles did not stop to ascertain the result of such accident and collision?

MR. RENNIE: (a) 2,572.

(b) Pedestrians run over by civilian vehicles: 34 fatally 118 not fatally. Pedestrians run over by military vehicles: 18 fatally, 48 not fatally.

(c) 128.

#### No. 4—BURGLARIES AND CRIMINAL ASSAULTS

MR. SHAMUD-DIEN:

Will Government please state:

(a) the number of burglaries and criminal assaults on citizens on highways since the commencement of the war (and especially in the month of January, 1942), and

(b) the number of such offenders detected and brought to justice during the year 1941 and 1942 to date, in the Colony and Protectorate of Kenya?

MR. RENNIE: (a) The cases of burglary and of criminal assault on highways reported to the police between the 1st of September, 1939, and the 31st of January, 1942, number 2,052 and 297 respectively; the numbers for the month of January, 1942, are 114 and 12 respectively.

(b) Offenders convicted between the 1st of January, 1941, and the 31st of January, 1942, number 285 and 125 respectively.

#### No. 5—LIKONI FERRY RAMPS

MR. COOKE (Coast):

(a) Who is responsible for the maintenance and replacements of the concrete ramps used in the Likoni ferry service, Government or the Kenya Bus Service?

(b) If the latter, is Government satisfied that they have kept the ramps in a reasonable state of replacements and maintenance during the past twelve months?

(c) If Government is not satisfied, why was not effective action taken to compel the Company to carry out their contract?

(d) Is Government aware that the users of this ferry, most of whom travel for business, are profoundly dissatisfied at the state of affairs that has existed with regard to the ramps during the past year?

(e) And do they appreciate the fact that condition of the ramps causes grave wear and tear on cars at a time when Government is urging everyone to be careful of car accessories?

(f) If the Company has failed to carry out their contract, will Government cancel that contract and arrange that the ferries should come under the direction of themselves or Mombasa Municipality?

DIRECTOR OF PUBLIC WORKS (Mr. Stronach): (a) The Kenya Bus Services (Mombasa), Ltd., are responsible for maintenance and the Government for replacements.

(b) Government is not satisfied that the ramps have been properly maintained recently, and the Company has been instructed to effect the necessary repairs.

(c) The Company was instructed to carry out the repairs as soon as the necessity for such repairs came to notice.

(d) No, Sir.

(e) It was for this reason amongst others that Government instructed the Company to carry out these repairs.

(f) Government does not consider that the condition of the ramps warrants the cancellation of the contract, but the Company has been warned that the ramps must be properly maintained in future.

#### No. 9—SPICES

MR. KASIM (Western Area):

(a) Is Government aware that large quantities of spices are consumed by all sections of the Kenya community, especially the Indians, Coast Africans, Arabs, etc., supplies of which have hitherto been imported from India?

(b) In view of the probable export restrictions in India and the scarcity of shipping space, will Government encourage Africans in the reserves to grow such ingredients of spices as Coriander seeds, Cumin seeds, Turmeric, Garlic, etc.?

DIRECTOR OF AGRICULTURE (Mr. Blunt): (a) Yes.

(b) The limited production of these crops in Kenya in the past has been due to absence of demand for the produce at satisfactory prices. If the demand arises

(Mr. Blunt) production of Coriander, Turmeric and Garlic can be encouraged in suitable areas, but it is unlikely that Cumin of satisfactory quality can be grown here.

#### NATIVE LANDS TRUST ORDINANCE, 1938

MR. MORTIMER: Your Excellency, I beg to move: That this Council approves of the proposal for the exchange in accordance with the provisions of section 7 of the Native Lands Trust Ordinance, 1938, of a portion comprising approximately 333 acres of Section XIV—Msambweni-Gwirani (including Mabatani)—of the Coast Native Land Unit for a portion comprising approximately 510 acres of L.R. No. 5004/30 at Vidungeni, at present held on lease by Messrs. Kenya Sugar, Ltd., and that this Council agrees that the circumstances attending the exchange are such as to require that the said exchange be permanent.

This proposal emanates from Messrs. Kenya Sugar, Ltd., successors in title to the Ramisi Sugar Estates, Ltd., a company engaged in sugar production at the coast. The whole of the company's land suitable for the production of sugar is now fully under cultivation, and the company, in seeking to increase their productive capacity, applied for 333 acres of native owned land adjoining their estate, a portion of Section XIV of the Coast Native Land Unit in the Digo district, and offered in exchange 510 acres of their own land held on a Crown lease. The natives concerned, the local native council, the local land board, the district commissioner, the provincial commissioner, the Chief Native Commissioner and the Central Lands Trust Board are all in agreement that the exchange is a proper one and should be approved. They are also of the opinion that the circumstances require that the exchange shall be made a permanent one, carried out by the permanent exclusion of one portion from the native land unit and the permanent addition of the other portion to the unit. Cash compensation for the huts and coconut trees on the land to be taken over by the company has been paid and is held on deposit by the district commissioner awaiting distribution to the parties concerned. All

the requirements of the law have so far been fulfilled, and now under section 7 of the Native Lands Trust Ordinance all that is now necessary before Your Excellency gives final assent is the approval of this Council in the terms of the motion now submitted. A plan showing the two areas concerned has been laid on the table and is available for inspection by any hon. member.

MR. HARRAGIN seconded.

The question was put and carried.

#### INCREASED PRODUCTION OF CROPS BILL

##### SECOND READING

FINANCIAL SECRETARY (Mr. Tester): Your Excellency, I beg to move that the Increased Production of Crops Bill be read a second time.

The bill is a formidable looking document containing a great deal of detail, but it is intended to replace the provisions of the regulations recently introduced for the increased production of crops, with which regulations I have no doubt hon. members are familiar. Indeed, many of the arrangements provided for in the regulations have already been put into effect. The object of the bill is to obtain a greatly increased production of cereals and flax, which it is the imperative duty of Kenya to produce. The geographical position of Kenya is such that it is well suited to supply the Middle East with cereals, and for that reason the bill provides financial backing for the production of maize, flax, and wheat. Throughout the world the demand for flax is imperative for war purposes, and for that reason the bill also backs financially the production of flax. Unfortunately, the amount of flax which we can produce usefully is limited by lack of factory accommodation.

It may well be asked why, if all these markets are available, it is not sufficient to rely on patriotic motives to order to obtain increased production? In the recent past a great deal of extra production has been produced by patriotic motives in the way of breaking up new land, working overtime on farms, and so on, but I am convinced that operations on these lines is not sufficient. We want more production than that can provide in order that we can make a contribu-

[Mr. Tester]

tion on a large scale in proportion to the potential resources of this country. The possibility is that many farmers have not the actual cash to break up new land, and there are others whose capital resources are small and, willing as they may be to risk this in breaking up new land, buying new machinery and increasing production, they doubtless feel that they are not justified in doing so because if there was any crop failure the result to them would be tragedy and might impoverish them for life. Therefore, in order to bring all activities possible into production, it is absolutely necessary that Government should give guarantees of various descriptions. There is still a further point in justification of Government assistance: it is that in the ordinary farming economy there is a great deal of land that it does not pay a man to risk money on in growing maize and wheat. Therefore I think it only right that Government should guarantee them, as production on these lands is now required.

The main outlines of the financial scheme are, first of all, a grant for breaking up new land for cereals subject to strict conditions. Secondly, guaranteed minimum prices for the crops. Thirdly, a guaranteed return per acre. Finally, provision for the grant of an advance up to the guaranteed return per acre. These advances are not important except that they absorb Government cash for the time being, because we cannot lose on them, as if people cannot pay back their advances they are recovered by being deducted from the minimum return. In regard to the minimum prices guaranteed for crops, there have been recent negotiations which make it perfectly plain that, in the absence of an extraordinary catastrophe which will prohibit transport, there is no risk of our not getting minimum prices for our crops. The financial implications therefore boil down to a grant for breaking up new land and a guaranteed minimum return. The grants will require the approval of the Agricultural Production and Settlement Board, which can insist that sufficient new land is broken up or can refuse grants should a situation arise in which it can be foreseen that a limit must be fixed to production.

We have often heard the phrase that "the sky's the limit". In my view it is a slogan which should be applied to production on Kenya land from which crops can be stored and transported when ready. Greatly increased production will lay a great strain on storage and transportation and, indeed, shipping, and as I implied the Agricultural Production and Settlement Board will certainly have to take these things into account when approving grants for breaking up land. Grants for breaking up land are not going to be given recklessly. The total grants will have to have a direct relation to production which as far as can be foreseen can be disposed of. Although the sum paid out for breaking up new land may be large, it is to a great extent the barometer of the success of the scheme. I do not think we should be alarmed if the figure reaches a comparatively large sum. On the other hand, I should like Council and farmers to be under no illusion that the bill does not give *carte blanche* for payments of grants for any land which a farmer may choose to break up.

On this point Government warmly welcomes the acceptance by the Agricultural Production and Settlement Board of the onerous duties and responsibilities that the bill places upon them. There is no need to blink the fact that it will cause a great deal of work for the board, onerous duties and long hours, in order to carry out their duties as guardians of the public purse in relation to this bill and also to secure the production required. I feel that the whole country will wish them good luck in this matter, and I particularly hope that the farmers themselves will translate these sentiments of good luck into taking great care promptly and meticulously to comply with the requirements of the board. If farmers do not comply promptly and freely with the requirements of the board it will be no less than a sort of civil sabotage, because the staff position of the board is so difficult that people have no time to deal with additional burdens consequent on avoidable delays and inaccuracies. I do hope that farmers will co-operate with the board in every way in this matter.

I must now get back to the financial implications. The most difficult is the one

[Mr. Tester]

in connexion with the guaranteed minimum return. This guarantee is an individual guarantee and we must expect it to be called upon. There is no doubt that some individuals will have failures, and we have guaranteed them against such failures and will have to pay them, but it is the individual guarantee which is so important, as it justifies an individual in throwing his last cent into production and bringing into play capital which could come from no other source. On the other hand, it is the fact that the guarantee applies to all individuals who cultivate approved acreages which makes the contingent liability so large. I think the contingent liability relating to the guaranteed minimum return will be in the nature of half a million pounds if we can conceive of every guaranteed crop grown being either destroyed by locusts or other pests or climatic conditions, but that, of course, is extremely improbable. My hon. friend the Director of Agriculture has told me that if the guarantees were not individual at the present prices guaranteed for crops, the experiences of the worst years we have ever had are that we should not have to pay under the guarantee. It seems clear to me that if we have reasonable weather and no abnormal infestations of pests, we may have to pay out to individuals something up to the sum of £30,000; it may be much less.

To summarize. We are proposing to make outright grants (which can be controlled) for breaking up new land, making advances for cultivation, and guaranteeing prices which assist by giving confidence and providing cash also when it is needed. All this apart from the grants I think will cost us nothing unless there are catastrophic conditions in which we cannot transport the crops. Finally, we undertake the large contingent financial guarantee of practically half a million in relation to the minimum average return.

Hon. members will ask themselves whether the object of increased production which we seek is worth while taking these risks. I think it is. Maize in the Middle East is much more important than cash in the Kenya Treasury at this time. Looking ahead, after victory/the

supply of cereals from Kenya will be essential for political and humanitarian purposes. If we fail to produce and save our money, we shall be in the shameful position of one who is asked for bread and can offer only what amounts to a stone.

I therefore commend this bill to the favourable consideration of hon. members. Your Excellency has expressed the view that if Council wishes it a select committee can be appointed.

Mr. HARRAGIN seconded.

Mr. BOUWER (Uasin Gishu): Your Excellency, it is with a great deal of pleasure that I rise to support this bill. It is true that that pleasure is somewhat marred by the fact that a measure such as this was not introduced a long time ago, at least a year ago, if not more. If that had been done and the drive that is in progress at the moment had been carried out at least a year ago, just look at the position this country would have been in to-day. We would have been able to supply food that is not only very badly needed now in the Middle East but is also needed very badly in Southern Rhodesia, and even South Africa, to-day. I have no doubt that the reply to this will be: "Oh, but it is very easy to be wise after the event." I claim that Government should have had sufficient foresight to have foreseen that this position would eventually arise in view of the representations that were put forward to Government from time to time by the Settlement and Production Board after its chairman had been to Cairo on several occasions and there had been told that food was likely to be needed in large quantities.

You will remember, Sir, that last year you were kind enough to give an interview on one or two occasions—one occasion is very clear in my mind—to members of the Settlement and Production Board. At the particular interview that is so clear in my mind to-day, the opinion was expressed by practically every one of the members of the board of the sense of frustration with which every farmer was imbued in that, on the one hand, they were not allowed, or rather many were not allowed to go to the front, as practically everyone wanted to do, and on the other hand, they were

[Mr. Bouwer]

not told that their crops were wanted; in fact, on many occasions I was personally told by a responsible member of Government "We don't want your crops. We can import wheat and this and that and the other".

However, that is all past, and it is not much good worrying about that at the present moment. Apart from the fact that one must express one's opinion that this is a matter which should have been attended to before and is critical of the delay which unnecessarily occurred, I want to be quite fair and I want to express my thanks to you, Sir, for your personal attitude over the matter the whole time and for the lead you have given to the farming community. The sense of frustration that was current a year ago, even a few months ago, has gone. Every farmer knows to-day what is required of him. Every farmer knows that he can and is required to play a definite part in the war effort in that he has to produce to the utmost of his resources. Government has realized, as my hon. friend the Financial Secretary has put so well, that the burden and risk cannot be carried by the farmer alone, and this bill before us, if it is passed (as no doubt it will be) will enable every farmer to do his best.

I can assure you, speaking as a farmer, that every farmer is on the tip of his toes to do what is necessary in the one way that Kenya is pre-eminently able to do: the supply of food to places where it is so badly needed. As my hon. friend has said, I think that in that particular sentence about cash in the Treasury is contained the meat of the whole matter, and that is that it is better to have food where it is required than to have cash, and I welcome that statement most heartily. There is one thing on which I should like to reassure Council, and that is, that every little sub-committee is very sensitive of its responsibilities in that it is to all intents and purposes handling public funds, and every farmer on those sub-committees is a worthy guardian of the public purse strings. I do believe that these sub-committees, because they know the people they are dealing with and local conditions intimately, will be as good, if not better, guardians of the purse strings than my hon. friend opposite?

As the hon. mover has assured us, if required this bill will be sent to a select committee, and there is one particular amendment I should like to put forward for consideration. In clause 33 provision is made whereby if the owner of land refuses to work that land and produce crops on it, the Agricultural Production and Settlement Board is able to take over that land and grow crops and take all the profits or stand all the losses. I suggest that provision should be made by the alteration of that particular clause whereby it will be made possible for Government through the board to put in an approved lessee who would farm that land for his own particular loss or benefit. This matter came up at our local agricultural production and man power committee last week, and it was unanimously decided that there were cases, in my district at any rate, in which that course would be desirable and would make for the easier working of this bill once it is passed.

Sir, I support the bill.

MR. PAUL (Eastern Area): Your Excellency, I rise to support the bill before Council. At the same time, I must express the hope that the few Indian farmers in this country will be given encouragement in order to procure the greater production which is so absolutely necessary for the war effort. In particular, I would like to suggest that these Indian farmers should be encouraged to produce those necessary articles of food which we were importing from India and which it is now very difficult to import. At the same time, I would suggest that these few Indian farmers who have been farming in this country for several years should be encouraged by giving them due representation on the Agricultural Production and Settlement Board. The presence of an Indian farmer on that board would give the others such encouragement and an insight into the necessity for greater production and would make for a greater effort for production in this country.

I submit that the Indian farmers should be encouraged not only to farm as they have been doing so far, but if it were necessary to produce the articles which we have imported from India and also for greater production they should,

[Mr. Patel]

under the Defence Regulations, be allowed to cultivate in places where normally they would not be entitled to do.

MRS. WATKINS (Kiambu): Your Excellency, as a farmer I should like to wholeheartedly support the bill before Council, and without any "but".

MR. SHAMSUD-DEEN (Central Area): Your Excellency, I only wish to emphasize the remarks of the hon. member Mr. Patel by saying that there is quite a large section of the Indian community in this Colony only too anxious to render whatever assistance and service they can in the war effort, and if Government makes some arrangement to put at their disposal some suitable land for cultivation their activity would not be restricted and confined to articles now imported from India but they would assist in the exports to the Middle East and other parts of the world if necessary. The only trouble is that so far there are only a few farmers in the Kibos area who are planting sugar cane on a limited scale. At the coast there is much useful land available, but since the abolition of slavery it has all gone back to bush, and to-day it is impracticable really to do any cultivation there unless the area is cleared of mosquitoes, which are so enormous that according to some people they eat human beings alive if they are unwary enough to go there! I do hope Government will explore grounds for allotting some suitable area to such of the Indian community as might want to go and help in growing what is necessary for the war effort. I do hope that will be considered.

DR. WILSON (Native Interests): Your Excellency, this is a bill which one would like to support wholeheartedly and without a reservation and without any "but". But I cannot, because there is one provision in this measure which must be questioned, and that is the guaranteed price for maize, in clause 5. I cannot pass that over without any criticism as I wish I could, if it were not for the fact that so high a guarantee has been talked about and, in fact, promised, and it is that high guaranteed price for maize which has upset things in my opinion. I am sorry, but it is difficult to approach the question of European maize production as entirely a war time measure,

because we all know the past history of European maize production in Kenya. I do not want to go into that past history now, we are dealing with the present and future and, as I say, since this is a genuine attempt to get Kenya war production into full swing, I should very much regret to bring into this question any controversy.

We are now being told that Kenya has got to find for export a certain number of tons of maize as a war measure. For what particular war purpose maize is required I do not know, I have not been told. We are further told that to get this extra maize the European maize grower has got to increase his production and has got to be helped financially to plant and has got to be guaranteed a price in order to induce him to plant. Several questions arise from that. In the first place, is it necessary that this extra maize must come from the European farmers? Could not our natives produce it? I have not heard the complete answer to that question. Secondly, if it is necessary to go to the European maize grower, is it necessary to give him a guaranteed price? Surely if the demand is genuine, the buyers are going to offer such a price that will at least substantially increase production? If we assume that we have got to go to the European maize grower and that we have got to guarantee him a price before we can induce him to plant, the next question is: Why so high a guaranteed price as Sh. 9 a bag?

It may be said that this point does not arise in the discussion on this bill, but I say it does. The fact is that this high guarantee which is being proposed or adopted at once creates a very serious discrimination between the native and non-native producer, and immediately the claims of the native maize grower come very prominently into the picture.

Whenever the question of African maize production is discussed, two points are always brought forward against it. One is, that the supply will be so uncertain that the country could not rely on it in the case of a famine. The other point is, almost the contrary, that if the price of maize is allowed to rise the native will so increase his cultivation that he will devastate the reserves by soil erosion. As regards the first point, it is



[Dr. Wilson]

only reasonable to suggest that if the native were guaranteed a fair and reasonable price, a fair and steady price for his maize, the native reserves are capable of producing enough maize as a safeguard against famine, at least with the help of the European maize grower who would and could carry on under those conditions. As regards the question of soil erosion, I suggest that possibly the danger of this has been exaggerated. There are maize growing districts where the risk of soil erosion does not occur, and in other districts surely the Administration can take steps to prevent it? Obviously the safest line to take is to try and get the African an economic price for his maize, and in fixing it we must avoid the fallacy of assuming that the native cost of production is practically nil. The trouble is that this question of a fair and economic price for native maize has been entirely upset by the unreasonably high guaranteed price for European maize, and if Government is going deliberately to upset things by this measure, by this legislation, it is up to Government to try and adjust the position.

That, of course, is the crucial point: how to adjust the position. I do not think this is the time and place to go into details as to how the position can be adjusted with regard to African maize, but I suggest that it is most certainly the time and place to insist on the principle that the African must have a fair deal in this matter of war time production. To my mind, it is not enough to say that the African is likely to get a higher price for his maize than he did before when such a high price is being guaranteed to the European. I do not know where the Sh. 9 per bag originated, why we have got such a high figure. I cannot help remembering the Settlement Committee report in 1939 where it was deliberately calculated that a European maize grower could make good on Sh. 5 per bag. (A member: Never!) I have been questioned on that, but I have got the Settlement Committee's report here and in the several schedules in that report the figure of Sh. 5 a bag is made the basis for the argument that a European maize farmer can make good. But never mind

about that at the moment. We hear a lot about the increased cost of production, and people who talk about it must remember that the native cost of living has gone up enormously. Everything he has to buy has leaped up in price, and unless it is imagined that he ought to be a naked savage, with not even semi-civilised requirements, we must take into account his increased cost of living when fixing a fair return for his crops. In this connexion we must remember that not all natives grow their own food or have it provided for them by their employers. A lot these days have to buy their own posho, and the native community, as well as many other sections of society, will suffer if the internal price of maize is raised as a result of legislation. The increased cost of food has got to be taken into account when estimating what the native community should get for the maize it produces.

I was listening while the hon. Financial Secretary spoke and hoping that on behalf of Government he might even mention the word "native" in connexion with this bill. In this debate so far we have had nothing to suggest that the claims of natives will be considered, or even recognized. That is the defect of the bill, and it is a defect that ought to be rectified. It falls to me, not very willingly, to make this criticism here and now, but I can assure hon. members that it will be made elsewhere. I know there are ideas, if I may use the expression, floating around, because I can get nothing substantial about them, by which the native will get a fair deal. I only hope that this will eventuate and that this bill, if it goes through as it is, will not prove to the detriment of the native. But if it is to pass, I make a suggestion as a possible solution of what I admit is a most difficult problem. This bill is concerned with farmers, and by the wording of the bill a farmer is defined as "any European or Indian or body corporate engaged in the business of farming". Very well, then let Government organize a system of co-operative farming societies throughout the native maize growing districts, and let each of these co-operative societies be established as a body corporate. Then, Sir, these co-operative societies in the native reserves can share all the privileges and accept all the responsibilities put on

[Dr. Wilson]

a farmer by this bill, and any guaranteed price for maize will apply to the African, equally with the European and Indian, and I commend that suggestion to the Agricultural Production and Settlement Board for their attention and for the consideration of any maize control authority that may have to be created. More directly, I commend it to the consideration of Your Excellency's Government.

LADY SIDNEY FARRAR (Nyanza): Your Excellency, I rise to support the bill before Council, and I should like to endorse the remarks of the hon. Member for Uasin Gishu in his appreciation by the farming community of this very concrete evidence of the attempt on the part of Government to meet the urgent needs of the present time as regards production. I unfortunately cannot agree with him, however, that it has completely relieved the feeling of frustration. It has arrested, but not removed, it, and I think as regards this bill, and particularly the financial commitments, it enhances that the sense of frustration and the need for additional safeguards where financial implications alone are concerned, hinge on the question of native labour. That has not been mentioned at all to-day. This bill is giving the wherewithal to get on with increased production. I should like to hear from the Director of Man Power what he has done to make it possible to carry out the provisions of the bill if the additional production is required which was spoken to so very forcibly by the hon. Financial Secretary, because unless we have the full backing of all those concerned with man power in this country the money alone will be perfectly valueless to the farmer.

We should like to hear from the Director of Man Power what steps he has taken to implement the Compulsory Service Regulations as regards native labour for farming purposes. More than that, we should like to hear from him how he and his committees intend to face the far greater difficulty, which is ensuring that we get a proper day's work out of the labour we are employing. I would suggest that in the native reserves it is the duty of Government to ensure that full production by the natives shall be undertaken but that production shall not be a question of letting every

man work his bit of land for two hours by himself, but ensure that in the reserves not only his women folk but the man will do a full day's work, a reasonable eight-hours day; the same as the rest of the community is trying to do. They should do the same, at least a full eight-hours day. All able-bodied men in the reserves as the able-bodied Europeans outside at the present moment, should be made to do a proper day's work. If he is not wanted in the reserves, he should be sent to other places, not only the army but to producers, to do a full eight-hours day, which is recognized all over the world as the minimum an able-bodied man should do. That is the first stage.

The second stage is that the Director of Man Power should ensure as far as possible that all steps are taken to ensure that not only the white population but that the native too does its full minimum eight-hour day in production. I know it is very much easier to say than to carry it out, I am perfectly aware of it, but I feel that if use is made of the rather tentative introduction of responsible men as being appointed as justices of the peace in various areas for work with the local production and man power sub-committees, they could do a very great deal to enforce a proper eight-hour day's work being carried out by native labour employed on farms throughout the country and in other industries. I would suggest that we are not . . .

HIS EXCELLENCY: I do not wish to interrupt the hon. member, but I must ask her to confine her remarks to the bill before Council. Important as are the points to which she wishes to draw attention, they have no direct bearing on the bill before us.

LADY SIDNEY FARRAR: I will say no more, except to remark that this bill is a waste of public money unless it is supported by man power.

MR. COOKE: Your Excellency, I only intervene to make two points which have not yet been made, or sufficiently made. The first is as regards the penalty clauses in the bill. There is a great deal of money involved in the financial proposals—I think the hon. Financial Secretary said the contingent liability was half a

[Mr. Cooke]  
million pounds. Naturally, there is a lot of public anxiety lest that money is unwisely spent. I should like to get a more definite assurance from my hon. friend the Financial Secretary that these penalty clauses will if necessary be firmly administered. We have had instances in the past, of which everybody here must be mindful, where money has been advanced and has had to be written off at a loss, and at a time like this people do not want that to occur again.

I am afraid I am not quite so optimistic as the hon. Member for Uasin Gishu in thinking that all sub-committees will conscientiously carry out their duties. This is a country of a small European community, all very friendly with one another, and who meet in bars and clubs, and who like to be kind and soft-hearted at times. I am not suggesting there are many farmers—there are very very few, but not all farmers have grown wings yet and some may be inclined to take undue advantage of these very generous terms.

There is a second point, the question of soil erosion. Recently, I went through a settled area, and in one particular area—Thomson Falls, to be precise—there is quite abundant evidence of cultivation on steep hillsides, and no effort is made to terrace in this particular cultivation. I have brought this particular point to the notice of the hon. Director of Agriculture, and I hope action will be taken in this matter, because it is not much use producing crops now if we are going to lose these invaluable assets that we possess.

I should like to support the hon. member Dr. Wilson about bringing natives in so far as bodies corporate are concerned, because I think that would certainly help matters if we are really concerned with an all-out campaign of production irrespective of race.

With these remarks I should like to welcome this very timely, wise and indeed generous bill, and join my hon. friend in wishing every success to those who have the very difficult duty of carrying it out.

MR. MONTGOMERY (Native Interests): Your Excellency, I rise in order to disagree with my hon. colleague, Dr.

Wilson. I happen to know that this bill designedly omitted to refer to natives, chiefly because it was very difficult to bring them into it. I have also had an assurance from the hon. Director of Agriculture, which I have accepted, that the natives will get a fair deal where maize is concerned when they sell under the control if it comes into being, and I believe myself that an increased price for Europeans will mean an increased price for natives. Anyway, the question of the price of maize will be fixed by Your Excellency in Council and I shall have a chance then of making any comments I have to make on the matter.

MAJOR CAVENDISH-BENTINCK (Nairobi North): Your Excellency, I have a good many points to raise in connexion with this bill, but many of them are select committee points and I shall reserve the smaller ones for the select committee. It is a complicated bill and, of course, in operation numerous complications arise which one had not foreseen at the time the bill was drafted, and actually it is rather early days yet to deal with all its complications because there may be others we have not yet discovered. At the same time, a good many have arisen; some of them of minor importance; some of major importance, and, as I said, the minor ones I will leave to the select committee.

In the first place I would like to point out that this bill is not purely a paying-out bill for providing money to all concerned. What it in fact does do is, first and foremost, to make it the obligation of everyone who is concerned in agricultural production during the war period to furnish a programme of production, which is subject to investigation and alteration by the production sub-committee of his district, and, finally, by the Agricultural Production Board. He is then served with an order and that man—whether he likes it or not—has got to plant what he is told to plant, where he is told to plant it. In other words, agriculture is put under what practically amounts to complete discipline and subject to order by Government. That is a very stringent step to take, and a year or two back if one suggested that such a scheme was going to be adopted one would have been laughed at.

[Major Cavendish-Bentinck]

But circumstances are such to-day that it has been adopted; it had to be adopted in my opinion, and I am very pleased indeed that this Government has seen fit to do so.

Now, if you are going to order everybody to do what they are told with what, in fact, amounts to their own property, naturally you have got to give them the wherewithal to carry out the order, and that is where this bill also comes in. The assistance to be given is, firstly, where a man is ordered to break new land, provided that land is suitable, has been approved by his local production committee and has been measured and properly cultivated, that man is given a free grant towards the expense of breaking it. Secondly, he is given a guaranteed price for crops produced, and thirdly he is given a guaranteed minimum return per acre, varying according to the crop. Thus we hope that individuals who are carrying out the orders of the State are guaranteed against any personal loss which might be incurred in connexion with the carrying out of such orders. But the provisions are not sufficient, because some people may not have the liquid cash necessary in order to enable them to do the cultivation and planting ordered, and so for that reason we make provision whereby individuals can borrow against the minimum return per acre before they have even put a plough into the land. Of course the money would be advanced to them monthly, as and when required, but they can be financed by such advances in anticipation of the crop which it is hoped they will produce. That, as everybody knows, is a rough outline of the scheme, and I do want to make it perfectly clear that the advantage is not all on one side. The main obligation rests on the farmer, as he well realizes and, I would like to add that as far as my experience goes, he is enthusiastically carrying out his part of the bargain.

One or two points have been raised this morning and one of the first was that raised by the hon. member Mr. Patel who expressed the hope that we were not forgetting about Indian agriculturalists in our plans for increasing agricultural production. I would like to assure him that we are doing nothing

of the kind, and indeed, when I recently toured the country I had made arrangements to meet the Indian farmers at Kibos, which arrangement, through no fault of mine, fell through at the last moment. But I will repeat the visit and will certainly make a point of seeing them myself. In the meantime I know that the Agricultural Department are doing what they can to assist and encourage Indian agriculturalists in that area. I will add that in any area suitable for such endeavours I can assure the hon. member that any help I can give will readily be given in every possible way. (Hear hear.)

I will just run through the whole bill, not clause by clause of course, but I will deal with one or two points which I think ought to be considered.

Clause 11 deals with orders that are served upon the farmer. It reads: "The Board may by order in writing addressed to any farmer order such farmer to carry out, such farming operations in connexion with the production of crops as the Board may, in its absolute discretion, determine." This is going to raise what I call a major point on the Select Committee because I am not satisfied with those provisions. It enables the Board to order a farmer to grow certain crops and the crops are specified in the definition clause as being "wheat, maize, rye and flax, and such other crops as the Governor may, by order, declare to be crops for the purposes of this Ordinance." The addition I have just read, "such other crops as the Governor may, by order, declare to be crops for the purposes of this Ordinance" is a new addition and does not occur in the Defence Regulation which is at present operative. I want, however, to be satisfied that the board can do even more than that. For instance, there are derelict rubber plantations planted many years ago, and if rubber is wanted for the war effort we should be in a position to order the owner to tap that rubber forthwith. I am quoting this as an example of the sort of powers one must have in war time, and therefore I am going to raise in select committee whether the limitation of "crop" in the definition does not to some extent limit the powers of the board.

Under clause 12 a farmer, if he is unable to carry out his programme, is

[Major Cavendish-Bentinck] bound to inform his local production committee and the board. We want to make provision for the possibility of his finding by, perhaps, the purchase of some extra machinery, that he can do more than he has said and there must be provision to enable him to increase his production and receive the necessary increased financial assistance.

There is one point which I think perhaps has not been quite understood. Clause 19 deals with the notification which has to be made in regard to advances which are given by the State. Normally if an advance was given, an individual would be required to give a chattels mortgage which would be duly registered and which would appear in the Gazette. Obviously, if a person is carrying out, as a war time measure, orders given to him by the State, and in order to do so—although he may not be in debt himself and never has been—has to take advantage of State assistance, it seemed to us unfair that that man should be required to have his name appear in the Gazette, which is often taken to mean that he is very nearly insolvent. For that reason these provisions have been inserted, which provide for a register of such borrowings being kept by the Land Bank, a copy of it being submitted to the Registrar which could, of course, be inspected on payment, but no publicity whatever will be given to those who borrow under this scheme. I bring this out in Council because it is a point about which I have received a number of inquiries.

Clause 20 wants amending too. Under that clause, when an advance or grant has been made under the provisions of this Ordinance and the person dies, the grant shall be deemed to have been made to his executor or administrator who shall be responsible for the fulfilment of the conditions attached to the advance. That is quite as it should be, but it may be that these people might be very slow in dealing with the matter. Meanwhile, crops might be ruined and for that reason I think it is necessary, in order that there should be no delay, to say something to the effect that, failing the executors, administrators and so on taking prompt action to carry out farming operations, the Board has the

powers to step in and do it on their behalf.

The next clause deals with replanting, and presents peculiar complications. It may be that in the very early stages of a crop, that prospective crop is destroyed by some act or happening which is beyond the control of the farmer, and it is of course customary for farmers under those conditions, if there is time, to replant. There might now be a temptation, with a guaranteed minimum return per acre, for the farmer to sit back and do nothing, and therefore it is provided in this bill that the onus to replant lies on the farmer. In other words, he has got to replant unless he obtains leave not to. Naturally we do not want him to replant if it is too late, or if for any reason his neighbours, who know the country and who understand local conditions, are of opinion it would be a waste of money for him to do so. He has, however, got to replant or to obtain leave from his production committee not to do so. But there is a complication also which has not been allowed for, and that is the case of farmers who might, for instance, have planted maize which in the early stages had been destroyed, and he might be told that while too late to replant maize he had to put in a certain acreage of flax on that land. It has happened and in the neighbourhood of flax factories might happen again. The question then arises, does he get one price guaranteed for maize, or the other for flax? Well, in that case he would get the minimum guaranteed return for the higher of the two in respect of the acreage planted with flax, obtaining the lesser guaranteed return per acre for that which remained or became derelict because it was too late to replant, and and he would also get an advance towards the cost of replanting with flax. This would be repayable if he obtained a crop. If a man replants, he gets besides his minimum return per acre an advance amounting to the estimated cost of replanting, which he refunds to Government if he gets a crop. If he does not get a crop he gets the whole of the guaranteed minimum return per acre plus the cost of replanting.

Another point which I think should be cleared up is the present averaging

[Major Cavendish-Bentinck] which takes place in the case of people who have more than one farm, who are required to average their acreages in respect of a minimum return but only in regard to each individual crop. That is to say, if a farmer has a failure with his maize on the one farm and has a bumper crop on the other, he pools his total maize crop over his total acreage. The same applies to wheat. He is not however, required to utilize profits he may make in respect of one crop in order to pay losses in respect of the production of another crop. And for this reason, a man may put in his programme of production proposals for some cereal that he has grown most successfully for some years; let us suggest that he has proposed to put in a thousand acres of maize. The local production sub-committee or district production committee may say "No, you are going to put in 500 acres of wheat and 500 acres of maize", which he does, and as a result has a total failure on the wheat. Well, it would be unfair to that man, presupposing that he made a big profit on his maize, to make his failure on wheat be paid for out of that. He might turn round and say "After all, you want maize. I know that I can plant maize successfully. It was you who told me to plant wheat. I have done so against my better judgment, and now I have made a loss, why should my maize bear that loss?" I think there is some equity in that provision.

The disposal clause is an obvious one. If a man is going to be guaranteed a minimum return per acre, and may in fact have drawn sums of State money in anticipation of his crops, it is quite obvious that the crop, which is the only security Government have got, has got to remain the property of the Government until such time as it is disposed of, in order that the Government may make sure of getting their money back before anyone else does.

One or two members have discussed soil erosion. This is dealt with under clause 25, where powers are given to force everybody to observe the rules of good husbandry within reason. Soil erosion comes very much within the province of the hon. Director of Agriculture, and I expect he will be saying something

in this debate, and I think I will prefer to leave that subject to him. It is one which we have thought of as far as it is possible to do so under existing conditions.

Under clause 27 every farmer, immediately an advance has been made, has to take out an insurance policy, and every farmer who has had an order served on him to grow crops, and consequently gets a guaranteed minimum return per acre, if his claim is based on the fact that his crop after it has been severed from the soil has been burnt, will receive no such guaranteed return unless he is insured. He is not forced to insure, but he carries his own risk. I must, however, add that this whole question of insurance has not been very satisfactorily dealt with yet either by my board or by Government. If we could get a comprehensive form of insurance, something on the lines of that adopted by the coffee industry, it would be all to the good. I do not think it will be possible, but I have spoken to the insurance people about it and have spoken to the hon. and learned Attorney General about it, and all I can say is that we will make the best arrangements possible to deal with this problem.

Under clause 28, provision is made whereby a person who broke and cultivated land in 1941 in anticipation of planting up at this time of the year in 1942 becomes eligible for the grant in respect of the breaking of new land, provided that land is suitable, comes within the four corners of the programme of the local production committee, has been measured and has been properly cultivated and sown. That is one big loophole whereby people might make fairly heavy cash demands on Government, because a great deal of land, I am satisfied, has been broken during the past six or eight months. On the other hand, we can only give you this assurance, that all production sub-committees I have met are in entire agreement that every single case of the retrospective claims will be most carefully investigated, carefully measured up and carefully gone into in every possible way. I think it is only fair that this provision should be made because otherwise we put those who perhaps were not wholehearted in doing what they could towards the war

[Major Cavendish-Bentick] effort at an advantage over those who, as I know in many cases, at great personal self-sacrifice, maintaining that it was up to them to do something by planting more cereals, went in and did it without being given any guarantee at all, and therefore I think it is only fair that those should be on an equal footing with those who perhaps held back until the last possible moment.

In that connexion there is a point which has not been provided for here, which is of major importance; that is that people are breaking land now, and I have no doubt will continue to break land as long as they possibly can, and in some districts there will be temptation to put that land under crop immediately it has been broken. I am informed by farmers in those districts and by the Agricultural Department that the sowing of land too soon after breaking would in many cases be utterly wrong farming practice, and would be putting Government's minimum return per acre in great jeopardy. It must be provided in this bill that we have power to say to the local people: "Now you have broken that land, you will be paid a grant for breaking it, but if you are going to put it, under crop at once, it is at your own risk and will not come within the guaranteed minimum return per acre". That has been universally accepted by every sub-committee I have spoken to.

Under clause 33 the hon. Member for Uasin Gishu raised the point that people should be allowed to lease-land in cases where land is available for cultivation and the person who has the right to such land is not in the Colony and the land has not been cultivated. Subject to what the hon. Attorney General may say in select committee, I certainly am of the opinion that ample powers already exist because the Board, or any person authorized by the Board, may enter upon such land and in fact this has already been done on one or two occasions, and I do not think we need fear that we will not take every advantage of powers which obviously are necessary in that respect.

Coming to the end of this bill, Mr. Cooke asked for an assurance that the penalty clauses would be enforced, and

the hon. Member for the Coast also said that he had some misgivings that sub-committees might not be carrying out their duties as wholeheartedly as they should owing to the difficult social complications that arise as between neighbours in matters of this kind. I would like to say first and foremost, that local production sub-committees and even district production committees have, in fact, in this respect, no executive powers whatever. That was done quite deliberately, for the very reasons the hon. member has put forward, and I may add, with the complete approval of the local sub-committees themselves. Legal powers lie entirely with the board and in the same way money is paid out by the Land Bank as agents for the board, on the signature of the chairman of the board. We have, as a check, agricultural officers going round all the time and we also have certain gentlemen experienced in farming in this country for many years whom we have asked to go round and counter-check, and we have informed the sub-committees that if they are not in a position to exercise sufficient control or to carry out adequate investigations they can, if necessary, employ reliable people to check acreages, etc., on their behalf. I would like to add that I have been round these committees on several occasions—either myself or Capt. Wilson—and what has impressed me more and more every time I go round is the determination of all concerned, in view of the fact that Government has thrown the onus of organizing and carrying out this scheme on the people themselves, not to be found wanting and that they will indeed be conscientious custodians of the public purse. (Hear, hear.)

In connexion with this bill one or two other points have been raised which are not exactly covered in any clause. First there is the question of provision of machinery and oxen which are equally necessary for carrying out the farming programme and which these days may cost more than could possibly be afforded under the minimum return per acre. I hope that Government will agree to put this bill and the amendment to the Land Bank Ordinance before the same select committee, because I visualize the possibility of assistance being given to farmers for the purchase of machinery

[Major Cavendish-Bentick] both under this Ordinance, and under the amendment of the Land Bank Ordinance, and as the two rather interlock in that respect I trust we may have these two bills before the same select committee. We are endeavouring to make arrangements whereby a man will be able to purchase agricultural machinery on easy terms, if we can get it, and we have done all we can to get it. Government, I would like to say, has had the foresight to take a very considerable financial burden on its shoulders in order to try and get this machinery—so that we might let people have the machinery on a hire purchase system under which each individual would be required to pay a sum down and then pay the remainder over a more lengthy period than is customary in hire purchase agreements. I can assure members that it has been most carefully gone into. I have every reason to anticipate that we shall be successful in working out a scheme which is businesslike and will help farmers.

It has been suggested that in this bill we have entirely overlooked natives. Of course that is absolutely without foundation. The range of production that can and must be stimulated in this country is not only dependent on the European but is very largely dependent on the native, and of course we realize that to the full. It has also been suggested that the guaranteed price for maize—which incidentally does not come within the purview of this bill—is unduly high. The amount mentioned was Sh. 9. I would like to say that we have gone into that figure very carefully indeed. I am sure the hon. Director of Agriculture, who has had far more work in that connexion than I have, will confirm that when he speaks. This figure was not taken vaguely as a figure which was going to give very large profits. It is a figure which we hope may, in combination with this bill, increase our present maize crop on suitable maize land. I might say that the maize price in Rhodesia to-day is Sh 12; the maize price in South Africa to-day is 13/3d., and that Rhodesia, being short of maize, had to pay Sh. 16 a bag for maize delivered at Salisbury at the end of last year. So I do not think Sh. 9 is so very out of the way.

It has also been suggested that nothing is being done as regards fixing the price in the native reserves. That is quite untrue. I think that maize prices will undoubtedly be fixed at reasonable levels in the native reserves as soon as the maize control scheme which is now under consideration is brought into operation. At the moment it is absolutely essential that we have a maize control scheme and it is also at the moment absolutely essential that we ensure that the native gets a fair deal by giving him a reasonable price, from which we will work upwards and not downwards, so that the whole price is based on a reasonable price to the native in those areas where we want to encourage maize, but not broadcast everywhere. In the areas suitable for growing maize I am sure we all agree the native has got to be given a fair, reasonable and decent price. As far as I am concerned, we are going to try and do that for him.

Maize is not the only thing natives are going to grow. There are a whole host of other things which have been very carefully considered by provincial commissioners, district officers, and the Director of Agriculture in connexion with our war effort; such things as pulses, rice, simsim, groundnuts, and green gram, not to mention muhogo as a safeguard against shortage of food. All these things are being very carefully gone into and are being encouraged in districts suited to their cultivation. There again, in many instances—and in a few cases I have already put in a few suggestions to the hon. Director of Agriculture for his comments—prices have got to be guaranteed.

I have just been to the coast and went round that area with the provincial commissioner, and as a result of that few days' journey we have come back with certain suggestions in regard to native produce and the encouragement of native agriculture. I would like to say, both in my capacity as chairman of the Production Board and as Director of Production for the moment, that native produce is being very carefully watched. We want to get the right crops grown in the right place and we want to give natives a fair deal in every possible way. (Hear, hear.) Apart from

[Major Cavendish-Bentick]

ordinary work in the reserves, there are many places where production can be largely increased by co-operation of Europeans coupled with further stimulation, and there are plans afoot to do that in certainly two districts that I know.

Of course there have been difficulties. Whilst agreeing that there have been shortcomings and that we should probably have done more in the past than we have done in regard to pushing agricultural production, I would like to point out just two difficulties. Taking oil seeds and maize as two examples, when I was in London in 1940 on this very job of trying to see what was wanted and how we were to play our part in the war effort in respect of agricultural production, we managed to come to some sort of arrangement or get some sort of information in regard to most of the products that were grown in this country on a large scale, with the exception of maize and groundnuts and certain other oil seeds. Maize, we were told, came so easily and so cheaply from the Argentine and so politically smoothly from South Africa, that ours was not wanted at all. As regards groundnuts we were told that such vast supplies were available from the West Coast and from French Colonies and from other places, that we had to do the best we could to reduce our own output. Of course the position changed and at the end of last year there was a big demand for maize, and there is now an enormous demand for any oil seeds we can produce. But I mention this to show that there have been difficulties, which have been very real ones in one or two cases.

That is all I have to say on this bill. I have more small points for select committee. I naturally heartily endorse and support the bill, which I believe, despite the fact it may cost a certain amount of money, is going to do this country more good than any bill that has been before this Council, not only for many a long day but for many a year.

Mr. BLUNT: Your Excellency, I think the principles of this bill have been thoroughly dealt with already and, in fact, they were very widely known before the bill came before Council owing to the fact that many of them have been

put into effect already. I do not, therefore, propose to deal with any principles, but only with one or two matters which arise out of the clauses of the bill, and with one general matter arising out of the effects of the bill.

The clause I should like to refer to in the first instance is 11. The hon. Member for Nairobi North has already explained how necessary it is to make some arrangement whereby land that is being broken up should be broken up in good time for planting or, if not in time for planting, that planting should be deferred. I suggest that in select committee we shall have to put something in the bill to cover generally this time of planting. People will submit their programmes, and they will be approved, but it is bound to happen in certain cases that people will not be able to carry out those programmes up to time. In order to safeguard the guarantees we shall have to put some limitation of time after which particular crops cannot be planted.

The second small point is one which arises under clause 33 wherein it is provided that where a person who has the right to use particular land is not in the Colony, certain things must be done. I believe cases have already arisen in which, although the owner of the land is in the Colony, it has not been possible to trace him or get hold of him or get him to do anything, and I propose to suggest in select committee a slight amendment to cover cases such as these.

The main point I should like to make in connexion with this bill is one already referred to, and which arises in clause 25. That clause provides that a farming operation shall be carried out, where an order has been served, in accordance with the rules of good husbandry and to the satisfaction of the board. That is all very well as far as it goes, and it is possibly all that can be put in a bill of this nature. The real objection I have to this bill as a whole is that it is bound, to my mind, in the nature of things to lead to a certain amount of bad farming. Under the circumstances, that is inevitable and we shall have to face up to it. But we must do everything we can to ensure that the amount of bad farming which may result from over-cultivation of cereal

[Mr. Blunt]

crops, from the breaking up of new land which would be better left unbroken but which we need for production, shall not do any more permanent harm than can possibly be avoided. Action which is taken as the result of the bill is bound, I am afraid, to increase soil erosion, and under the circumstances it is going to be quite impossible to ensure or even ask for compliance with the terms of the Land and Water Preservation Rules which one would ask for in normal times. I should like to press as much as I can on this Council and the country in general the absolute necessity for taking all measures that are practicable under the circumstances to try and prevent the deterioration of land in connexion with this large campaign to increase production.

If I may turn to one or two points already made by hon. members, in the first place I should like to refer to two points raised by the hon. Member for Uasin Gishu. In welcoming this bill, he suggested that it was long deferred and that some action should have been taken at an earlier stage. I am not going to argue that point with him, but the hon. Member for Nairobi North has already pointed out that the position regarding maize and groundnuts was not easy very long ago. I should, however, like to make this point in connexion with wheat production. Whereas before the war the acreage under wheat in the Colony was in the neighbourhood of 53,000 acres, last year the acreage was returned as being 115,000 acres; in other words, in those two years the wheat acreage had more than doubled. It is true we have had unfortunate weather conditions and did not get the crop we hoped for, but whatever may be the reason for that increase in acreage I am sure it is due to some extent at least to the action Government took in the encouragement of the production of wheat and the guaranteed price for it.

The second point was referred to by several speakers, and that is the question of sensibility on the part of the Production and Man Power Sub-committees of their responsibilities. I should like to say, Sir, that from conversations I have had with individuals and from what has

transpired at various meetings I have attended when this subject has been under discussion, I believe that almost without exception these sub-committees have a very real sense of their responsibility to Government and are out to protect the country's finances in every way they can.

I should now like to refer, if I may, to this question of native maize, raised by the hon. member Dr. Wilson. He referred to past history, and in this connexion I suggest that we should try to forget about past history as far as maize is concerned and look on the position as it is at present. We have a definite job to produce a large quantity of maize for supplies where they are badly needed, and to my mind that alters the position entirely. In order to try and meet that position, Government has guaranteed a price of Sh. 9 for European-grown maize, and lots of suggestions have been made about that price, as to whether it is a reasonable one or whether it is not. I do not propose to argue on the question of the costs of production at all. That argument is likely to lead one into all sorts of difficulties because, as we all know, the cost of production depends almost entirely on the yield you get per acre of any given crop.

It is true that Sh. 9 a bag will pay certain people who are fortunate handsomely. On the other hand, it would not pay maize growers on some land at all. That figure is, all things considered, by no means too high in my opinion. For the past few years the average annual pay out for European maize has varied between Sh. 6 and Sh. 7, and with that payment the acreage of maize has fallen steadily for the past ten years from some 230,000 odd to we believe something like 80,000. At the present moment there is not the least doubt that the cost of production of maize has risen. I do not propose to suggest a figure, but there is no doubt that the rise in cost is substantial and, considering that rise in cost and the top figure of Sh. 6 to Sh. 7 received in the past, I do not think that Sh. 9 is at all an excessive price to try and attain the object which we have in mind, namely, to increase European maize acreage considerably.

When we come to consider the question of native maize, the effect of

[Mr. Blunt] the prices in the past has been exactly the reverse. The average prices which have been ruling for native maize for some years past have resulted in a continuous increase of native maize production for sale, and I think I am correct in saying that within the past six years or so the surplus production of native maize has increased by some 100,000 bags a year. I suggest that if that is the position and native maize has increased, as I believe it to have done, to that extent, the payment which is being made for that native maize cannot be looked on by natives as an unsatisfactory one, but rather the reverse. As far as one is able to see, the position appears likely to arise that the native, whether he gets a guaranteed price or not, will at least get a higher price in the future than he has had in the past.

It has been suggested by hon. members that it might be possible to have got all the increased production of maize required out of the native reserves, and I believe it would have been possible, but it would to my mind have been disastrous if the line had been taken that the maximum possible production out of the native reserves of maize should be looked for. An hon. member suggested that the result of maize growing in the reserves on the land was not so serious as had been suggested. I cannot agree with him there. I believe that, generally speaking, in the Central and Nyanza Provinces, and particularly the Central Province, excessive production of maize within recent years has, more than any other thing, been responsible for the deterioration of the land which has been occurring. I should regard it as one of the worst things we could do from the point of view of the native to press really hard for all the increased production of maize we can get. I believe we could get it, but only at the expense of the land.

I think I have dealt fully with all the points I intended to in connexion with this bill.

Mr. RENNIE: Your Excellency, I wish merely to add a few remarks to those already made by the hon. Member for Nairobi North and the hon. Director of Agriculture as regards the criticism made by the hon. Member for

Uasin Gishu about Government's lack of action last year. He stated that the drive, or the present drive rather, should have been made a year ago, and the two speakers to whom I have just referred gave two perfectly good reasons why that drive was not made a year ago. I propose to give a third reason.

Early in 1941 Government was advised that shipping space would not be available for export of surpluses, and maize in particular was mentioned among the crops whose production we should not encourage. As the result of that advice, the policy of Government at that time was to make the country self-sufficient so far as its own requirements were concerned. It was not intended to increase maize at that stage, and hon. members will recall that as recently as September and October last year the problem before Government was to dispose of the maize surplus which was expected to accrue in 1941, and not to encourage at that time the increased production of maize. But, as the hon. Member for Nairobi North stated, things have changed very much since 1941. As the result of the exhortation by the Minister of State in Cairo, Government received an assurance that all crops that could be produced in Kenya for export purposes would be required elsewhere and would be taken, and hon. members will recall that within a few weeks of that exhortation being made I in this Council stated that Government was prepared to give a guaranteed price for maize.

Turning to wheat, the hon. Director of Agriculture has already made the point that the acreage under wheat in 1941 was roughly twice that of 1940, and I think the hon. Member for Uasin Gishu will remember that it was the encouragement given by the Settlement and Production Board, as it was then called, and Government in the late months of 1940 and the early months of 1941 that did a great deal to induce that increased production.

I do not propose to take up his statements one by one. Many of them are quite inaccurate as I could prove if I took the trouble now to explain them in detail to hon. members. I will merely content myself by entering this protest

[Mr. Rennie] against his indictment of Government in respect of its failure to institute this drive a year ago.

COL. KIRKWOOD (Trans Nzoia): Your Excellency, I had no intention of intervening this morning but, after listening to the hon. member Dr. Wilson and the last few words spoken by the hon. Chief Secretary, I decided to detain you for a few moments. I do not wish to go into the details of the clauses, but I take exception to the remarks made by the hon. Chief Secretary which, in effect, means that Government has not been lax in its duty. They have, definitely, and they failed for over two years to do something towards the war effort in the way of creating production. They are two years behind the times, plus a few months. I know the difficulties that Government has had in the past in guaranteeing a price for maize, and that to my mind has been the want of co-operation by the coffee and sisal people to allow a price to be guaranteed by Government, because they could buy maize under the cost of production without the trouble of growing it. That was the trouble. Had they been satisfied that the maize producers should get a reasonable price, Government would have guaranteed it. In South Africa every year and so long as I remember they always guarantee the price of maize, and stabilize it in the Union. At home, the principle adopted by Government is subsidies and guarantees to the agricultural industry.

Even Sh. 9 is a very small price. The average cost of production since 1930 and 1931 has been in the region of Sh. 6 within a few cents, and if you get the cost of production it seems to be thought that you are doing fine. But what the devil can a farmer live on if he only gets the cost of the bag? He loses a year of his life in working for nothing. That point is always missed. When the hon. member Dr. Wilson inferred that the native would not get a reasonable price, I do not agree with him. I want to see him get a reasonable price, but not for him to say what it should be. I think Government will see that he will get it, and I have faith in Government, but if you guarantee Sh 9

to the native a bag that I think would be farcical. After all, the standard of civilization of the native and Europeans is as the difference between the north and south poles, and the cost of production in each case is as the difference between those two poles. Ninety per cent of the cost of production of a native is the labour by the native woman. The man does very little towards it, and it is difficult, if not impossible, to work out the cost of production of native-grown maize. The women do not get paid, and the man usually has more than one wife, and so he has free labour. The European has to pay a very high price for that labour. Later on I will discuss this matter, on the motion which is coming up. I will not go into details at the moment, but I would ask the hon. member Dr. Wilson to consider this point.

As long as the native gets a fair price, I do not think he will grouse, and I think Government will see that he gets a fair price, and without discussing it further the committee working on maize control and the board which will be appointed will take on the function of regulating the price. I am only saying that. But it is impossible, as Your Excellency knows, and you have been long enough in the Colony to know the conditions, to work out the cost of native maize. The husband pays nothing to the wife or wives for growing his maize, and I have seen the women on a 30-mile trek to Kisumu carrying a 60-lb. load of maize for sale, a trip that would probably take them a week. How can you estimate the cost of production under those conditions when that transport is not paid for?

Clause 44, the last clause of the bill, indicates that the Ordinance is to cease at the end of 1943. The circumstances are rather peculiar. In two years' time approximately it ceases, but there is only one year's guarantee. Hon. members will remember that last year I discussed this matter at length, and appealed to Government to do something if they wanted to increase production. I definitely stated that I did not want a guarantee, but that if I did not get something over and above the cost of production I could not go back to my district and advise

[Col. Kirkwood]

growers to spend another year of their life working for nothing. The result was that I returned to Kitale while the session was on and called a public meeting, and asked them for a mandate to go back and tell Government what they would be prepared to grow it for as a war effort. The answer was Sh. 9 as a minimum, and that has been given by Government, I would say this again. As far as my district is concerned, the Trans Nzoia, we have produced the largest number of bags of maize in this Colony, up to 500,000 bags, but the present crop is down about 250,000, down about 50 per cent. There will be an increase now, but there would not have been without a guaranteed price. The farmer has got to live, he has got to educate his children, and he wants something over the cost of living, otherwise he cannot live himself. That is the beginning of the trouble.

But I would put out this warning, that a reasonable time should be given before the guarantee lapses. If it lasts for one year, the profit is made out of the difference between the cost of production, Sh. 6, and the Sh. 9 they are to get for the maize they are planting now, and it will go to make up for the loss they made in the previous year when there was no guarantee. I think they should be given a reasonable warning, and I have also stated to your Excellency before that it is only fair in the absence of a guarantee to regulate the acreage grown. People should not be allowed to grow it if they grow it at a loss, unless it is for their own or local consumption.

I would like to finish up by paying a tribute to anybody and everybody who has had anything to do with the drawing up of this bill. There are many clauses, and they cover a wide space of ground as it were, the financial commitments and so on, guarantees and securities. I think as far as it goes it is ideal, but no bill was ever brought before Council with the implications dealt with in this one that do not need a slight amendment in committee. I congratulate the gentlemen responsible for it, and also congratulate Government in taking this step towards increasing production during this war.

MR. TESTER: Your Excellency, a great number of the points raised in this debate have been covered by the hon. Member for Nairobi North and the hon. Director of Agriculture. I should like just to speak briefly on the subject of native maize.

The hon. Director of Agriculture has said that at one time it was thought possible that the whole of the increased production required could have been obtained from the reserves, and he has given one reason why it should not be done; that is erosion. Another reason for seeking to increase the non-native production and not concentrating solely on native production was the fact that we must always have a certain amount of maize in good condition, well stored and near the railway, and that is what non-native production provides for. Shipping facilities and demands from the armies are so irregular and storage space at the port so much in demand that we must have this non-native production at hand to the railway up-country to dispatch with the greatest speed to the right place.

Still, that does not eliminate the problem of the native maize price. As you may well imagine, the hon. Chief Native Commissioner has never ceased with great zeal to ensure that all possible was done to keep the question of the native maize price well before Government. I do not think it is at all possible to guarantee a native maize price in the same way as we can guarantee the non-native because, as I explained when moving the second reading of the bill, the price of non-native maize is really regulated by the fact that the Agricultural Production and Settlement Board can regulate the acreages on which maize can be grown. We cannot regulate acreages in the same way in the native reserves. The staff available is absolutely inadequate to do it. But there is approved in principle a scheme for maize control, and through that medium the control board, I presume, will fix a price subject, I expect, to confirmation by the Governor in Council, for native maize. Negotiations have been going on overseas as to the price to be obtained for our exported maize, and I feel sure and the hon. Member for Nairobi North also feels sure that there will be no diffi-

[Mr. Tester]

culty in securing a fair, reasonable and steady price such as the hon. member opposite desires for the natives. I am happy to agree with him, as well as with the hon. Member for Trans Nzoia, since although an attractive price will I feel sure be possible, I do not think that price will be Sh. 9 a bag.

The question was put and carried.

MR. HARRAGIN moved that the bill be referred to a select committee comprising: Himself as chairman; Mr. Tester, Mr. Blunt, Major Cavendish-Bentinck, Mr. Bouwer, Mr. Cooke, and Mr. Kasim.

MR. BROWN (Solicitor-General) seconded.

The question was put and carried.

#### HIS MAJESTY'S FORCES (CONTROL BY ARMY COUNCIL) BILL

##### SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that His Majesty's Forces (Control by Army Council) Bill be read a second time.

This is entirely a formal matter which has been passed to us by the Secretary of State, who in turn has been asked to have it passed by the Army Council. Exactly the same law as you see incorporated in this bill is the law in this country in the form of Regulations. Doubts have been expressed by the legal fraternity on the other side of the water as to whether a Defence Regulation in the Colony, affecting members of Kenya forces outside the Colony would have the same force as an Ordinance passed in the Colony. The object of the Ordinance, as you can see in the Objects and Reasons, is to provide for the regulation, control and discipline of any of our forces when they go overseas.

MR. BROWN (Solicitor General) seconded.

The question was put and carried.

#### THE LAND AND AGRICULTURAL BANK (AMENDMENT) BILL

##### SECOND READING

MR. TESTER: Your Excellency, I beg to move that the Land and Agricultural Bank (Amendment) Bill be read a second time.

The main amendments which this bill proposes are intended to make the Bank a more flexible instrument by which loans can be made with the object of increasing production. There are a number of small amendments to the principal ordinance which are desirable owing in some cases to defects in it and, in other cases, in order to regulate action which the Bank considers necessary in order to regularize the lending of sums when the security of the land is not available or in order to be able to lend additional sums in special cases in excess of the proportionate amounts allowed by the principal ordinance.

Perhaps it would assist honourable members if I ran briefly through the clauses of the bill.

Clause 2 of the bill will enable me as chairman of the board to authorize various officers or clerks of the board to countersign cheques. Each cheque is signed by a member of the board and countersigned. At present the secretary only is authorized to countersign but, in view of his additional work in connexion with the financial scheme for increasing agricultural production, it seems probable that delays will occur unless he has some relief in this matter.

Clause 3—The word "permanent" is inserted as I think the Council will agree that it is obvious that the intention of the principal ordinance is that advances should be made on permanent improvements only.

Clause 4 of the bill makes the duty of the board more specific in regard to the notice it has to give when a sale is contemplated. In my view, it is only right that the board should be obliged to communicate with persons having a registered interest in the land before the sale takes place. As the board now stands there is some doubt as to whether the board need take such action.

Clause 5 of the bill seeks to put right a typographical error. Sub-clause 6 increases the sum which the board may advance without reference to the Governor in Council from £100 to £300 for the purpose of purchasing live stock and adds agricultural machinery and implements to the objects which may be purchased under this arrangement. The increase in regard to live stock is especially designed to facilitate the pur-

[Mr. Tester]

chase of trek oxen in view of the difficulties in regard to mechanical transport which obviously lie ahead.

In Clause 6 there is also a new proviso which will enable the board to advance more than 30 per cent of the estimated value of perennial crops in certain circumstances which should work both to the benefit of the board and its client. A typical case which could be dealt with under this proviso would be one in which the farmer had had the maximum advance approved in the principal ordinance and yet had not the finance to harvest the crop owing to its unexpected size. If no further assistance was forthcoming both the board and the farmer would stand to lose. Perhaps I need say no more than that the board will feel more comfortable when this proviso is on the statute book although no losses of this sort up to the present have been made through lack of action on the board's part.

Clauses 7, 8, 9 and 10 are all related to details of procedure consequent on the policy authorized in Ordinance No. 14 of 1940, by which the Bank made advances upon the security of crops growing or to be grown and the only point of practical interest is I think that the position of a tenant is clarified. It is obvious that a tenant cannot give land as security and it is now made clear beyond doubt that an advance can be made to a tenant on security of the crops only.

In regard to Clause 11 as the Bank has now been going for some years the board had some misgivings as to whether the Limitation Ordinance, 1934, would interfere with their rights in regard to long-outstanding unpaid interest and the provisions of Clause 11 enable the board to be reassured on this point.

MR. HARRAGIN seconded.

The question was put and carried.

MR. HARRAGIN moved that the bill be referred to the select committee appointed to consider the Increased Production of Crops Bill.

MR. BROWN seconded.

The question was put and carried.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 16th April, 1942.

#### Thursday, 16th April, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 16th April, 1942. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 15th April, 1942, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 11—K.U.R.H. PLOTS, MBARAKI

MR. COOKE:

- How many plots have the Railway Administration leased on temporary occupation licences at Mbaraki, Mombasa?
- What is the average annual rent of such plots?
- What is the average size of such plots?
- Under what Head and Sub-head of Railway Estimates for 1942 are receipts for these plots shown?

MR. RENNIE (in the absence of the General Manager, K.U.R. & H., Mr. Hamp): (a) 30 plots.

(b) £24 per plot.

(c) 0.42 acre.

(d) These rentals are credited to Item 5 of the Harbours Revenue Account.

No. 13—TSETSE FLY, SOLAI-SABUKIA AREAS

LORD FRANCIS SCOTT (Rift Valley):

- Is Government aware of the spread of tsetse fly in the Solai-Sabukia areas, and the menace to productive interests thereby?
- Is Government taking any active steps to control this danger and, if so, what steps?
- Is Government prepared to bear all financial obligations caused by any action taken under (b), especially if it is considered necessary to clear bush on private property?

MR. DAUBNEY (Director of Veterinary Services): (a) Yes, sir.

(b) Yes, sir. A complete survey has been made by the Veterinary Entomologist, and certain recommendations have

[Mr. Daubney]

been made as to the bush clearing measures that are needed to prevent fresh incursions of tsetse fly into the two valleys. Funds have been provided under Head 38 (a) of the 1942 Estimates to meet the cost of clearing a fly barrier which will separate the northern end of the Subukia valley from the permanent fly belt.

Difficulty has been experienced in obtaining labour for the clearing work, and in providing supervision, but according to the latest information Italian prisoners of war will be available to begin work on the barrier within three weeks time, provided satisfactory arrangements can be made for temporarily housing the prisoners. The military authorities are prepared to cooperate fully in this work.

A Veterinary Research Officer has twice examined the whole cattle population in the area and has carried out chemotherapeutic treatment of infected animals.

(c) Government has agreed to bear the entire cost of clearing a barrier for the general protection of the valleys, even where the barrier crosses private land. With regard to the isolated patches of clearing that it is recommended should be undertaken on private land, Government is considering arrangements under which part of the cost will be borne by Government and part by the occupier of the land, who may be assisted by a loan.

#### PYRETHRUM (AMENDMENT) BILL

##### SECOND READING

MR. BLUNT: Your Excellency, I beg to move that the Pyrethrum (Amendment) Bill be read a second time.

This is a short bill, introduced to clarify particularly one point that was not clear in the principal ordinance. The intention has been to hold meetings of growers in the gazetted areas for the appointment of representative members for those areas on the Pyrethrum Board, but it has been found that, under the terms of the previous amending ordinance, meetings to be held in each district meant in fact meetings of the board. This was not intended, and will be difficult to achieve, and will cause also a

lot of unnecessary use of time on the part of members of the board in travelling. Clause 2 of this bill makes it quite clear that this meeting is a meeting of growers and not of the board.

The opportunity has also been taken of specifying who shall be in charge of such meeting, and to provide for the holding of additional district meetings at such times as they may be required. While the amendment was being made, the opportunity has been taken to amend one of the rule-making powers to enable the Governor in Council to prescribe the duties and functions of the agency and to prescribe what expenses may be incurred or charges made by the agency in the exercise of its functions. That was inserted to make possible, if the industry so requires, the pooling of railway rates.

MR. HARRAGIN seconded.

The question was put and carried.

#### ASIATIC WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL

##### SECOND READING

MR. BROWN: Your Excellency, I beg to move that the Asiatic Widows and Orphans Pension (Amendment) Bill be read a second time.

The principal ordinance, which was enacted in 1927, established a fund for the payment of pensions to widows and orphans of members of the Asian Civil Service. Firstly, it laid down that the members should contribute towards that fund 4 per cent of their salaries; secondly, that the pensions payable would be £50 a year; thirdly, by section 32 of the ordinance Government guaranteed those pensions; and fourthly, by section 30 it was provided that at the end of ten years there should be an actuarial investigation made by an actuary appointed by the Secretary of State in London, as a result of which contributions could be raised and pensions could be decreased. This last provision was extremely necessary, because in 1927 this ordinance was enacted without any actuarial investigation at all. One reason for that was that there were available in this country at that time no vital statistics on which an actuarial investigation could be made. In 1937, in accordance with section 30 to which I



[Mr. Brown]

have just referred, an actuarial investigation was made in London, and it revealed that this fund was hopelessly and alarmingly unsound.

On the 30th September, 1937, this fund showed a deficiency of £184,000, which figure represented only the contingent liabilities so far as existing members were concerned. It took no account of the contingent liabilities so far as concerned other persons who might become members of the fund and who would in the ordinary way become members, and that deficiency was mounting because, while the Asian staff was increasing, rates of interest were diminishing, and it was obvious that unless this state of affairs was stopped a time would come when the fund would be exhausted. First you would get a time when pensions to be paid out in any one year exhausted the contributions which were received for that year, plus the interest received on the funds invested. If you paid out £20,000 in pensions and received £5,000 from contributions and £10,000 from interest, the deficit would be £5,000 which has to be met from capital funds; each year you would have to dip more and more into the capital until in time the fund would be exhausted. It was the opinion of the actuary that this fund would be exhausted in about 35 years. It was his further opinion—and I would remind hon. members that Government is guaranteeing these pensions under section 32—that when the fund was exhausted there would be an annual charge on the taxpayers of between £20,000 and £25,000.

Obviously something had to be done to avert a liability of this unlimited character. Section 30 provides that the contributions can be increased and the rate of pensions decreased. We have decided to keep the rate of pensions as it is at a flat rate of £50 a year, but to increase the contributions from 4 to 5 per cent. It has also been decided to close this fund to Asians who will hereafter enter the Service, and next on today's Order Paper is a bill to provide a fund for the widows and orphans of new entrants into the Civil Service. As I say, we are doing less than we might

do under section 30 of the principal ordinance, because we are not decreasing the rate of pensions, but I may say that the rate of pension of £50 a year will not have been earned by the rate of contribution which has been made.

The bill is a short one. By Clause 2 those who formerly contributed 4 per cent will now contribute 5 per cent of their salaries, and by Clause 3 that important section 30, which provided for the actuarial investigation, is repealed, that section having served its purpose.

MR. HARRAGEN seconded.

MR. SHAMSUD-DEEN: Your Excellency, this bill has very far-reaching results. The hon. mover has made a statement to this Council that the inception of the whole idea of guaranteeing the pensions of widows and orphans of Asian employees of Government was on an unsound basis financially and without actuarial advice. In short, to-day we are confronted with a bill which increases their contributions from 4 to 5 per cent, but there appears to be no guarantee that in due course it may not go up to 10 or 25 per cent or any amount at all if we depend on the advice subsequently obtained from the actuary.

The members concerned have put up very keen opposition to the proposal, and I hope the bill will go to a select committee. It requires very careful investigation, and the opportunity should be given to both members of the staff and all concerned, Railway and Government, to give evidence and to express their views. This bill is nothing more or less than a scheme of insurance, and the question is whether any reputable insurance company, here or elsewhere would undertake to insure the lives of these people and guarantee pensions to their widows and orphans. I submit that if the parties concerned whom it is intended to safeguard are not willing or enthusiastic, the scheme should be made voluntary, and only those people who wish to contribute should be allowed to do so, and those who think that it is an unsound financial proposition should be allowed to withdraw from it. It has very far-reaching consequences. Although the hon. mover has given an assurance that pensions will not be decreased, it is open to a future Govern-

[Mr. Shamsud-Deen]

ment to do it and to revise the contributions by increasing them, at the same time decreasing the pensions, so that there is no finality. The matter requires careful investigation before any change is made, and when the bill goes to a select committee I hope the opportunity will be given the parties concerned to express their views.

MR. KASIM: Your Excellency, I associate myself with what the last hon. member has said. There should be two Asian civil servants and two Indian members on this select committee.

MR. BROWN: Your Excellency, the hon. member Mr. Shamsud-Deen has said what, of course, is obvious, that this ordinance was enacted upon an unsound basis. That was made quite clear, and the possibility of it was made clear in the speech of the Treasurer of that time, and great stress was laid at that time on this section 30, which provides, as I say, for the increase in the contributions and a decrease in pensions. The hon. member has said that subsequently there may be a still further decrease, but I would ask him to bear in mind that section 30, which provides for the increase in the contributions, is by this bill repealed.

The question was put and carried.

#### THE WIDOWS AND ORPHANS PENSION (NEW ENTRANTS) BILL

##### SECOND READING

MR. BROWN: Your Excellency, I beg to move that the Widows and Orphans Pension (New Entrants) Bill be read a second time.

It has just been made clear that the existing fund under the Asiatic Widows and Orphans Pension Ordinance must be closed to Asians who, from now on, will enter the Service, if a very serious burden on the taxpayers is to be averted. This bill provides for a fund which will take the place of the existing fund so far as new entrants are concerned. Whereas under the existing ordinance contributors formerly paid 4 per cent and now will have to pay 5 per cent on their salaries, under this bill they will contribute 4½ per cent, and whereas

under the existing ordinance pensions are paid at a flat rate of £50 a year under this bill pensions will be paid on a scientific basis in accordance with the tables found at the end of the bill, which have been compiled actuarially on the vital statistics which are now known and which have regard to the age of the member and the age of his wife. Under this bill, the very young widow of a very old Asian clerk will receive a smaller pension in comparison with the very old widow of a very young Asian clerk, the theory being that the prospects of success of the former are not too bad while the prospects of any further success for the latter are not very good.

This fund, like all funds, is expected to be self-supporting. In the case of the European Widows and Orphans Pension it is not a fund but a scheme, and hon. members are aware that the difference is this. In the case of a scheme, all contributions are paid into general revenue and pensions are paid out of general revenue; in the case of a fund contributions are paid into the fund, which is invested, and pensions are paid out of the fund. There is in fact in existence now a fund known as the Asian Provident Fund, which does in fact make provision for the widows and orphans of Asian Civil Servants, and Government contributes substantially to that fund. Asian Civil Servants pay 5 per cent of their salaries into the fund, and Government pays 5 per cent for the first ten years, 7½ per cent for the next ten years, and 10 per cent thereafter. If a member dies before he reaches the age of retirement, his widow gets the amount standing to the credit of the husband which has been contributed to by Government.

So there was a case for not making provision for the pensions of widows and orphans in view of this fund. But, in the case of the Europeans, they have a widows and orphans pension scheme. The amount standing to the credit of an Asian clerk in the provident fund might not be large at the time of his death, and so it was considered right that we should provide this measure to give pensions to the widows and orphans of Asian Civil Servants. It so happened that when it was decided that the existing fund should be closed to new entrants, there was ready to hand a scheme

[Mr. Brown]

(I am not using the word in the technical sense) a system, which was in operation in the Railway which had been compiled on these very identical vital statistics which revealed to the actuary in London that the existing fund was unsound. That scheme was in operation in the Railway, and it was the obvious thing for Government to adopt that scheme for its own Asian Civil Service, and this bill was prepared. Having been prepared, it was submitted to the Asian Civil Service Association as all schemes are which have to do with matters affecting the welfare of the Asian Civil Service, and the Association raised an important point of principle.

They said that the rate of interest assumed for the European widows and orphans pension scheme is 6 per cent, whereas the rate of interest assumed for the Asians under this bill is 3½ per cent. They said that in equity the same principle should apply to Asians as to Europeans, and they asked that a scheme which is in force in Zanzibar for Asian Civil Servants, in which the rate of interest assumed is higher than the rate of interest assumed in the tables in this bill, should be adopted here. That request was by no means unreasonable. But many important factors are involved. It must be obvious that in the light of past experience it would be madness to agree to any revision of these rates which have been actuarially approved on the now known vital statistics, it would be madness to agree to any revision without an actuarial opinion. Again, if we agreed to any revision, the Railway would at once be faced with the demand to follow suit. Another factor is that since the European widows and orphans pension scheme came into being, world rates of interest have diminished. We do not in fact know what are the vital statistics upon which the Zanzibar scheme was adopted. We could find out, of course, but it would take time, and we should certainly have to have an actuarial opinion as to whether the same vital statistics would hold good here. We could not possibly agree to any revision unless we knew what we were letting ourselves in for after the actuarial opinion had been obtained.

But, as I say, the request was not unreasonable, and it will receive as it deserves the most careful consideration. But we are closing, and have to close, the existing fund now. We have got to find something to put in its place now. Here is this scheme, and that request which I have dealt with and which, as I say, will receive the most careful consideration, cannot be allowed to interfere with the passage of this bill. But I have Your Excellency's authority to say that if it should be found possible to revise the rates of interest as a result of the Association's representations, Government will consider giving that revision retrospective effect as from the date of the coming into operation of this bill. But, for the reasons I have given, we cannot consider postponing the bill until we have the necessary data on which to make the necessary decision.

To come to the details of the bill, there will, I understand, be a select committee both on this and the bill which has just received its second reading, and details can be discussed in select committee. Coming to the actual bill, it follows the lines of most Widows and Orphans Pension Ordinances. Clauses 3 and 4 establish a board to supervise and control all financial transactions. Clause 5 establishes the fund, and by sub-clause (2) all expenses incurred in the administration of the fund must be paid out of the fund, because this is a self-supporting fund. By clause 11 any officer who is a contributor to the existing fund may have the choice of becoming a member of this new fund; but in view of the amount of pension which the widow of a member of the existing fund will receive for the rate of contribution he makes I should not think many existing members will elect to come into this fund. By clause 13 the contribution of members is fixed at 4 per cent of the annual salary, and by sub-clause (4) a member may, within three months of making his first contribution or three months after marrying, make an election to make an annual additional contribution of 2½ per cent of his salary. By (8) this election is made irrevocable. By clause 14 contributions cease on a member attaining the age of 55 years or dying or leaving the public service. But by clause 21, if a member who is

[Mr. Brown]

or is a widower with children of pensionable age, retires from the public service before attaining the age of 55, he continues to contribute at the rate he was contributing immediately prior to his retirement unless he elects otherwise.

The tables on which the pensions are calculated will be found at the end of the bill. There are two points which were raised by the Association to which I think sympathetic consideration might be given. One point is about the election to which I have just referred under clause 13 (8) in the case of a member who makes an additional annual contribution. As the bill is drafted, that election is irrevocable, and they suggest that it should be made revocable, and I think there is a good deal to be said for that. The other point is the case of polygamous marriages. In this respect the bill differs from the Railway scheme, because by this bill, if a member has three wives A, B and C, although the only wife who ranks as a beneficiary is Wife A, the children of each of the three wives rank as beneficiaries. The children of Wife A rank as one beneficiary, the children of Wife B as another, and the children of Wife C as a third. Under the Railway scheme no children rank as beneficiaries except the children of the first wife. By this bill, if Wife A dies, Wife B or C does not step into her place and rank as a beneficiary. Wives B and C never come into the picture at all. But if a member marries a fourth time the wife will rank as the beneficiary in the place of Wife A. The point made by the Association is that on A's death a member should be allowed to nominate either Wife B or C, and there certainly seems to be a good deal in that. All this sounds very uxorious, but it is not, because I am informed that there are only two or three members of the Asian Civil Service who enjoy (if that is not absolutely the wrong word to use) a state of polygamous marriage. (Laughter.)

MR. HARRAGIN seconded.

MR. SHAMSUD-DEEN: Your Excellency, I take it that this bill is an admission on the part of Government that the first bill we have just dealt with was a

defective measure and a blunder on the part of the Government which inaugurated it without the advice of anybody. Now, a brand new bill has been brought in for new entrants. I take it that these are merely a sort of temporary provisions to substitute the whole idea of Government granting pensions, real honest pensions, to their employees. Government says "The old pension idea discouraged thrift and encouraged extravagance, and people were destitute in their old age. We are not going to do that, but make you save money out of your earnings, and we will pay it back". Even that would have been quite a sound principle if they had adopted what the Railway has as regards a provident fund. The Railway make a person contribute a certain proportion of his salary to a provident fund, and when he leaves the service not only pay him a rate of interest but add almost the equivalent amount of the contribution. But what is happening here? All that you are offering to the contributor is a small rate of interest which might fluctuate from time to time from 8 to 2½ per cent. That sort of scheme is of no use to anybody at all and no contented service would willingly contribute.

As I have said, the proper duty of the State, or of any employer is this. If you employ someone for 30 years and he is then discharged, I am quite certain that your human feelings would actuate you to give him something for the rest of his life and for his wife and children. I really want to give an instance that came to my notice in India four or five years ago. I was putting up at a hotel, and an elderly person came to serve on my table. I asked him why he was doing this work in his old age, and he said that he was getting a pension but that it was not enough to live on. I asked him from whom he got the pension, and he said from "a Widow". I asked him who that was, and he said Queen Victoria, whom he had served in England in the last century and that he had been drawing a pension for the last 45 years. That, I submit, is the really human part of it. But here we are, offering these Civil Servants after 30 years' service a pension to the widow of £50 a year which she might draw for a year or two and then die.

[Mr. Shamsud-Deen]

As I say, this bill is almost akin to the last one which we have just read a second time. The only exception is that in one or two places, clause 2 (4) for instance, it appears to interfere with Mohammedan law, that the first wife should get the pension and the others would be deprived of it. That has to be gone into carefully. I have had a communication from the Civil Service Association and others who say that, not only are they anxious to be given an opportunity of expressing their views before a select committee, but that there is no hurry about the passage of the bill, and that if it could be adjourned until next session at any rate they would be quite happy about it. If Government cannot contribute a substantial sum from its own funds for these old servants, the best thing is to let this be a voluntary scheme. I shall only mention that in the last three or four years in this Council I have had to speak on motions for grants *ex gratia* to widows and orphans of servants. These have now ceased, and these schemes substituted.

It is quite a considerable sum which Government has gained by these schemes, and it is only fair that Government should take certain risks, and should not limit the rate of interest which might accumulate from the funds and which might fluctuate but should take the risk and responsibility of contributing a substantial sum towards making it up. As regards the actuarial report, I have had an opportunity of reading it. It is based on an assumption in most cases, an assumption which might prove to be right or wrong, and therefore I think the Civil Servants should also have an opportunity of having a report from their own recognized actuary so as to compare the reports of both. These conditions offered to the Civil Servants constitute no generosity on the part of Government at all. Any ordinary bank or insurance company would probably offer more liberal terms, and I think Government would be well advised to give it up altogether or hand it over to some reputable insurance firm.

COL. GROGAN (Ukamba): Sir, I do not understand a word of the bill, but there seems to be something peculiar about

the title to the bill, which reads: "to make provision for granting pensions to widows and children of deceased Asian officers who are appointed to the service of the Government". (Laughter.) Are we to understand that this bill is a statutory acceptance of the rude thesis of the dead hand of Government? (Laughter.)

MR. BROWN: Your Excellency, many of the points made by the hon. member Mr. Shamsud-Deen will be discussed in select committee. A point which he has made is that all we are offering them now is a rate of interest which may fluctuate from 8 to 3½ per cent I think he said. What we are offering them is a rate of interest which is earned by the money which is laid out. We are offering them a fund which is on a scientific and actuarially sound basis.

The hon. Member for Ukamba referred to the title of the bill. I would like to draw his attention to a notice which has been circulated to-day setting out certain amendments which it is proposed to make. If the hon. member will look at the notice he will see that the title is going to be altered. (Laughter.)

The question was put and carried.

MR. BROWN moved that the last two bills be referred to a select committee comprising: Himself as chairman, Mr. Tester, Mr. Cooke, Mr. Nicol, Mr. Shamsud-Deen, and Mr. Isher Dass.

MR. RENNIE seconded.

The question was put and carried.

#### COFFEE INDUSTRY (AMENDMENT) BILL SECOND READING

MR. BLUNT: Your Excellency, I beg to move that the Coffee Industry (Amendment) Bill be read a second time.

There are three points which this bill sets out to achieve. Two of them are to give effect to resolutions of the Coffee Conference passed the last time the Conference was held. The first amendment is in the definition of coffee planter. It has been pointed out in the Conference that the existing definition did not quite cover what was required since the only director of a company who could speak on behalf of the company or vote on behalf of the company,

[Mr. Blunt]

was the managing director. In many cases the companies running coffee estates would have no such thing as a managing director, and the amendment permits any director appointed by a company to speak and vote on behalf of the company.

The second point is covered in clauses 2 (h) and 3, and these provisions are designed to tighten up the control of trade in coffee, and particularly mbuni coffee. In the first place clause 2 (h) provides that additional inspectors may be appointed, namely, such other persons as the Director of Agriculture may appoint in writing. It is found in practice that the number of inspectors competent to undertake the work is insufficient to do the work that has to be done, and certain coffee planters and members of the board have volunteered, if they can be appointed as inspectors, to assist, and it is proposed that competent persons of that kind shall be appointed as inspectors.

The second point in this connexion is in clause 3, and is that where a licensed coffee dealer employs agents, those agents shall be provided with something which will indicate to any persons they try to deal with that they are in fact agents of licensed dealers. It is felt that this will be to the benefit of both coffee planters, who will know that they are dealing with licensed dealers, and the licensed dealers in that it will cut out unauthorized persons from dealing.

The third point is contained in clause 4, and provides that the board may lend to Government free of interest any moneys which stand to its credit and which it wishes to invest. That is put in to carry out another resolution of the Coffee Conference of the previous year, which was again referred to at the last Conference.

I may say that this bill is submitted at the request of the Coffee Board and has its full support.

MR. HARRAGIN seconded.

MRS. WATKINS: Your Excellency, I rise to support this bill, as it would appear merely to legalize those things which the Coffee Board really wants. I would like three words added in line 36 of clause 4. This says: "The Board

may lend free of interest to the Government of the Colony any moneys which may from time to time be standing to the credit of the fund". I should like to put in in line 36 "for the duration", because I think, as it states in the "Objects and Reasons", this is obviously meant for the war only. I do not think it should be part of the general legislation that this should continue when the war is over. It is war legislation, I am sure, and that point is not quite sufficiently stressed. Paragraph 4 in the explanation of the bill stresses that it is for war purposes, but the actual amendment does not bring that in.

The hon. Director of Agriculture has just said that it would give coffee planters themselves more confidence if they felt they were dealing with licensed coffee dealers who could prove they were licensed. That would indeed be so if the licences carried any weight, but when we know that a receiver of stolen coffee, who has for years been training boys to steal coffee from farms, has been given back his licence the moment he is out of prison. I submit that a licence does not carry very much confidence. I have had an assurance from the hon. Attorney General that the amendment I wish to add can better be brought in on another basis, under the Criminal Procedure Code or in some other way, and so I will say no more about it, except that the cancellation of the receiver's licence is urgently required by the whole of the Kiambu district and in every ward. But as a coffee planter I have a great deal of confidence that the hon. and learned Attorney General will give us that legislation which he knows to be so necessary for our protection, since it is very clearly put before him and its importance stressed by every ward unanimously throughout the constituency.

I would call attention to the confidence in the hon. member by the excellent solution his committee arrived at over the vexed matter of voting, because he found a solution which prevented a monopoly and allowed us freedom in our elections, and I should like to publicly state here that it gives us an enormous confidence in the justice of his ruling. So I am hoping now that he will put forward this legislation for our pro-

[Mrs. Watkins]  
fection in the matter of licensed coffee dealers, and I hope it will go through, that licences are automatically cancelled when it is proved that a man trains natives for the purpose of stealing produce.

MR. HARRAGIN: Your Excellency, I feel I should make the position clear with regard to the point raised by the hon. Member for Kiambu. She did discuss this matter with me, as to whether an amendment could be put into this bill to the effect that a receiver of stolen coffee should lose his licence if he happened to be licensed under the Trading Ordinance. My reply to that was that whereas there might be a great deal in the argument, there was no more reason why, because you receive stolen maize, you should not lose your licence, and that you should lose it in the event of your receiving stolen coffee. My advice was that the proper place for an amendment to the effect that the holder of a licence should have his licence cancelled in the event of being convicted for receiving, such as the Penal Code or the Criminal Procedure Code.

MR. COOK: Your Excellency, I should like to support the suggestion of the hon. member for Kiambu, that the words "for the duration" should be inserted in clause 4.

MR. BLUNT: Your Excellency, the only point I need deal with is the question of the insertion of the words "for the duration of the war". I should like to point out that this clause is only permissive, in that it sets out that the board "may" lend free of interest such moneys as are standing to the credit of the fund, or "may" invest such moneys not immediately required. I suggest that really the matter may be left in that position, and the board may be left to manage its own affairs and that it should not necessarily be confined to the period of the war.

The question was put and carried.

#### EUROPEAN CIVIL SERVICE PROVIDENT FUND (AMENDMENT)

##### SECOND READING

MR. TESTER: Your Excellency, I beg to move that the European Civil Service Provident Fund (Amendment) Bill be read a second time.

Hon. members will be aware that when pensionable officers are seconded for work with the Conference of East African Governors, their pension privileges are retained and that commitments in regard to them are shared by the participating governments. In the same way, when Asians belonging to the Asian service are employed by certain inter-territorial bodies the benefits they receive from the Kenya Asian Civil Service Provident Fund are also secured to them, and the cost is participated in by the governments concerned. In the case of the European non-pensionable staff, there is at present no such arrangement, and the bill now before Council seeks to provide that this class of employee should come within the scope of the Kenya European Civil Service Provident Fund. Contributions to the fund from Kenya public revenue will be reimbursed by the participating governments. The financial implications at present are very small since there are only two officers affected, and the cost of the Kenya portion of the reimbursement will amount to something less than £14 per annum.

MR. HARRAGIN seconded.

The question was put and carried.

#### LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) BILL

##### SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Local Government (District Councils) (Amendment) Bill be read a second time.

This bill is intended to give District Councils greater powers in dealing with the rabies menace. The Nyanza District Council, in whose area rabies is epidemic, has made representations that the chief cause of the spread of rabies within the settled area particularly, is the large number of uncontrolled and ownerless dogs. The Suppression of Rabies Ordinance gives authority for the destruction of such dogs, but it is desired to make the measure more effective by giving the District Councils similar by-law-making powers to those possessed by municipal authorities for regulating or licensing the keeping of dogs and providing for the seizure, sale or destruc-

[Mr. Mortimer]  
tion of vicious, dangerous, ownerless or unlicensed dogs. It is hoped that the exercise of these powers will be an effective step towards the stamping out of the rabies menace which is so serious, particularly in that district. Although the bill was asked for by the Nyanza District Council it has received the support of other District Councils.

MR. HARRAGIN seconded.

The question was put and carried.

#### THE WAR RISKS INSURANCE (AMENDMENT) BILL

##### SECOND READING

MR. TESTER: Your Excellency, I beg to move that the War Risks Insurance Amendment Bill be read a second time.

The important amendments to the principal bill now put before Council are those giving effect to the formal guarantee by the home government of the insurance liabilities of the war risks insurance fund set up by the principal ordinance. Honourable members will remember that an understanding had been arrived at that the liabilities of the scheme would be guaranteed by His Majesty's Treasury but it was not until the Colonial War Risks Insurance Guarantees Act, 1941, had been passed by Parliament that the guarantee could be incorporated into our legislation. In order to come into line with the home legislation it is proposed that a definition of insurance liabilities in the bill now before us should be inserted under section 2 of the principal ordinance and that small amendments should be made to section 5 in order that the uses to which the fund may be put should be more precisely defined.

Small amendments are proposed to sections 13 and 15 of the principal ordinance consequential on the insertion of a new section 5A which contains the meat of the matter, that is, the placing of the Secretary of State's guarantee on a legal footing in relation to our war risks insurance fund. I do not think the terms of the guarantee could be commented upon by me in any way which could add to the clarity of the undertakings as set out in the proposed section 5A. Honourable members will be inter-

ested to note that the final disposal of the balance of the fund remains in the hands of the Secretary of State and therefore there is a possibility that if the guarantee is not called upon and if in fact there is a balance in the funds when the war is over, the door is open for the Secretary of State to dispose of it if he thinks fit by allowing it to revert to the Kenya and Uganda Governments.

The opportunity has been taken in this amending bill to introduce two amendments arising from local recommendations. By Clause 5A of this Bill the minimum value of goods which are to be compulsorily insured is reduced from £1,000 to £500. When the original legislation was introduced compulsory insurance of a value of less than £1,000 was widely advocated but the figure of £1,000 was retained in legislation since practical difficulties were expected in administration if the larger number of insurers which will result from a lower figure had to be dealt with. The scheme has now got going and it is thought that the additional number of insurers resulting from a reduction in the compulsory minimum figure from £1,000 to £500 can be satisfactorily catered for. Clause 6 of the Bill provides a penalty which is very necessary for those people who, for various reasons such as carelessness or intent to defraud, do not pay premia promptly or to the legal amount due. The power to remit is provided in cases where the omission has been caused, for example, by circumstances beyond the control of the insurer.

MR. HARRAGIN seconded.

MR. NICOL (Mombasa): Your Excellency I welcome this bill, and particularly the insertion of clause 5A, and also the change in clause 6 bringing the value down to £500. I am also very glad indeed to hear that the Secretary of State has agreed to coal being added to the insurable schedule. I understand that the Tanga and Dar es Salaam Chambers of Commerce were very anxious indeed to be able to come in on this Fund and I am glad to hear that steps have been taken to make this possible.

I should like to ask the hon. Financial Secretary if he can tell us approximately what the Fund stands at to-day. I do not

[Mr. Nicol] know whether that information is readily available. If Tanganyika comes in I take it that Government do not intend to close this Fund but to hold that in reserve for reimbursement of Kenya and Uganda merchants, and to open a new fund to embrace the whole of East Africa. I suggest it would be far more satisfactory to retain the one fund rather than having two funds. This could be achieved in an equitable manner, I think, somewhat on these lines. That the Tanganyika people when they come in should pay for the first three months at the rate of 7/50 (which was the rate at which we paid in Kenya and Uganda); that they should pay for the next three months at the rate of 3/75 (which is the same as we paid here) and thereafter at the rate of 2/-—the rate which it is proposed we should pay now. I suggest that that would be fair all round and would enable them to have the full benefits of the fund which is in existence at the present moment. Finally, it would have the merit of being a scheme on an East African basis and going one more step towards union.

MR. TISLER: Your Excellency, in dealing with the entry of Zanzibar and Tanganyika into the scheme certain questions in regard to the fund, which now stands at about £150,000, will have to be considered. I do not think I can do more in Kenya Legislative Council than to say that we will put the hon. member's suggestion before the other Governments when the matter is discussed.

The question was put and carried.

#### LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT) BILL

##### SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Local Government (Municipalities) (Amendment) Bill be read a second time.

This small bill was brought forward at the request of the Nairobi Municipal Council and with the approval of the Standing Committee for Local Government, in order to permit the Council legally to deal with a few cases of hardship which have arisen under the exist-

ing law. Old servants of the local authorities on their retirement are usually awarded a pension or gratuity commensurate with their length of service, and the existing law allows the Governor, at the request of the local authority to approve of the grant of such pensions and gratuities to old servants or to dependants of deceased servants, but only in cases where no provident or pension fund exists, or where no benefit accrues from such fund to the parties concerned. It is of course expected that as time goes on and as the provident funds and pension funds of the various local authorities become firmly established, requests for individual grants in special cases will disappear.

The law, however, made no allowance for cases which were bound to arise where a servant retired after the pension fund or provident fund had been established only a very few years, and in consequence the pension or gratuity to which he was entitled on retirement was totally inadequate and was far less than would have been granted had no such fund existed.

The present bill provides for an addition to the law to allow the local authority with the consent of the Governor, in special cases of hardship of this kind, to make supplementary grants even where such funds do exist, provided that the servant concerned has been employed continuously for not less than five years immediately before the fund was established. Cases of this kind will occur for a few years only after the establishment of such funds and will, of course, gradually tend to disappear. It does seem important, however, to remove any causes of hardship or grievance that have arisen from the present law.

MR. HARRAGIN seconded.

MR. NICOL: Your Excellency, the preamble to clause 52 of the principal ordinance as it reads to-day means that the municipal council may, subject to Your Excellency's consent, do what it is proposed it shall be able to do under the new section (c): I do not think it is quite fair that employees should be left at the mercy of the whim of the municipal council. Councillors come

[Mr. Nicol] and go and at the time an employee may retire, those in power at that particular time may, for some reason or other, elect to refuse to grant him an additional pension to cover the service that he had done with the municipality before the inception of the pension fund. I have in mind a particular case in Mombasa which affects at least one European and three or four Asians. In this particular case these particular people left Government service—I think it was at the request of the Municipality—and Government said that it would be prepared to release them—in 1929, and they did, to protect themselves, say that, while they were forfeiting their contributions to the Government's Widows and Orphans Pension Scheme, they must be protected so far as pension was concerned—and I understand they were given that assurance by Government and informed that if they went to the Municipality something would be done about pensions.

Now the Mombasa Municipality pension fund did not come into force until 1937 and so you have got approximately a lapse of some eight years, during which time they have, admittedly, not been contributing to anything, but through no fault of their own; and they have lost the benefit of that so far as pension was concerned.

I should therefore like to see clause 52 made obligatory, and that could be done by deleting the words "have power to" and "or any". The clause would then read: "Council shall do all of the following things:— . . . ." Then you have got sub-sections 19 (a), (b) and the new one (c). If that amendment could be brought in, to ensure that employees are definitely protected and have got their sense of security at the back of them, I think it would be very satisfactory.

MR. MORTIMER: Your Excellency, I cannot accept the proposed amendment of the hon. Member for Mombasa. It must not be overlooked that municipal authorities employ their own staff and that they are spending money which they have every authority to spend, subject to the approval of the Estimates by the Standing Committee for Local Government, and it would, I think, be improper

to force upon municipalities the obligation to make pensions or gratuities to their staffs. Every endeavour is made to encourage local authorities, municipalities and district councils to establish contributory pension funds for the members of their staffs, and most of them are falling into line. If the hon. member will give me information of the particular cases he has in mind I will have the history examined and see if there is genuine hardship or breach of faith and if anything can be done to remedy that.

MR. NICOL: On a point of explanation, I did not suggest that there had been a breach of faith.

The question was put and carried.

#### BILLS

##### IN COMMITTEE

MR. HARRAGIN moved that Council do resolve itself into committee of the Whole Council to consider, clause by clause, the following Bills:—

The His Majesty's Forces (Control by Army Council) Bill.

The Pyrethrum (Amendment) Bill.

The Coffee Industry (Amendment) Bill.

The European Civil Service Provident Fund (Amendment) Bill.

The Local Government (District Councils) (Amendment) Bill.

The Local Government (Municipalities) (Amendment) Bill.

MR. BROWN seconded.

The question was put and carried. Council went into committee.

The Bills were considered clause by clause.

MR. HARRAGIN moved that the Bills be reported without amendment.

Council resumed its sitting.

HIS EXCELLENCY reported the Bills accordingly.

##### THIRD READINGS

MR. HARRAGIN moved that the Bills be each read the third time and passed.

MR. BROWN seconded.

The question was put and carried, and the Bills read accordingly.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 21st April, 1942.

**Tuesday, 21st April, 1942**

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 21st April, 1942, His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### ADMINISTRATION OF OATH

The Oath of Allegiance was administered to:—

J. F. G. Troughton, Esq., M.B.E., Acting Financial Secretary.

#### MINUTES

The minutes of the meeting of 16th April, 1942, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By MR. RENNIE:

Labour Department Annual Report, 1941.

By MR. HARRAGIN:

Select Committee Reports on the Increased Production of Crops Bill and the Land and Agricultural Bank (Amendment) Bill.

By THE HON. ACTING DIRECTOR OF EDUCATION:

Education Department Annual Report, 1941.

By MR. MORTIMER:

Quarterly Land Grants Return, 1st Jan.—31st March, 1942.

By MR. BROWN:

Select Committee report on the Asiatic Widows' and Orphans Pension (Amendment) and Widows' and Orphans' Pension (New Entrants) Bills.

#### NOTICE OF MOTION

Mr. Harragin gave notice that he would move the adoption of the two select committee reports just laid at a subsequent date, and Mr. Brown similar notice in respect of the select committee report which he had laid.

#### ORAL ANSWERS TO QUESTIONS

No. 8—RICE IMPORTS AND CULTIVATION

Mr. KASSIM:

(a) Will Government state what quantity of rice was imported from Burma, India and Tanganyika during the year 1941, and what quantity of rice was produced in Kenya?

(b) In view of the situation in the Far East and for conserving shipping space, will Government state what steps are being taken to encourage rice production on a large scale in the Colony?

Mr. BLUNT: (a) Imports into Kenya and Uganda in 1941 from the countries specified were:—

India	2,176 tons
Burma	14 tons
Tanganyika Territory	11,423 tons

Of these amounts, the quantities retained in Kenya were:—

India	1,642 tons
Burma	14 tons
Tanganyika Territory	8,566 tons

Approximately 2,000 tons of rice were produced in Kenya in the Nyanza and Coast Provinces.

(b) Measures which have been taken to stimulate increased production include intensification of propaganda and instruction in suitable areas. Production in Nyanza fell considerably in 1941 owing to shortage of staff, but the position has now been rectified, and this year a considerable increase is expected. Reports indicate that in 1942 the area planted in the Nyanza and Coast Provinces will be not less than 5,500 acres. Proposals are also under consideration which, if found practicable, will result in a further 2,500 acres being planted in the Nyanza Province during the present year.

#### SCHEDULE OF ADDITIONAL PROVISION

No. 4 of 1941

Mr. TROUGHTON (Acting Financial Secretary): Your Excellency, I beg to move that Schedule of Additional Provision No. 4 of 1941 be referred to the Standing Finance Committee. This procedure conforms with the established custom of Council for many years.

Mr. HARRAGIN seconded.

The question was put and carried.

#### LOAN CHARGES

##### KISUMU WATER SUPPLIES

Mr. TROUGHTON: Your Excellency, I beg to move: This Council hereby approves the expenditure of £679,14-17 upon the purposes specified in the schedule hereto—Schedule: £3,400,000 Colonial Loan (1930) Ordinance No. 43 of 1930 1. Colonial Development (b) Water Supplies, Kisumu.

This resolution is entirely formal in character. It seeks approval of the expenditure actually incurred with the approval of Council in 1939, and perhaps a word or two of explanation is required as to how the motion comes to be on the Order Paper to-day. Under Colonial Regulations Legislative Council has full control of expenditure, and when a particular loan work is contemplated Council not only has to approve of the construction of the work but the amount to be spent on that work each year, because each financial authority lapses at the end of the year. Thus if one is contemplating building from loan funds a building costing £20,000, Council approves of the building and the £20,000, but if it has got to be spent over a period of two years, £10,000 a year, Council has got to approve of each £10,000. That is what happened in this case. A work, the replacing of gravitation mains of Kisumu water supply, was approved by this Council in 1938. The work was carried out to the entire satisfaction of the Department of Public Works, but unfortunately the file on the subject was burnt in the Secretariat fire and consequently the approval of this Council for the amount spent in 1939 was never sought. A vigilant auditor at home spotted the omission, and we are now asking Council to rectify it.

Mr. HARRAGIN seconded.

The question was put and carried.

#### WAR LOAN ORDINANCE, 1940

##### FURTHER ISSUE OF BONDS

Mr. TROUGHTON: Your Excellency, I beg to move: Be it resolved, that under section 2 of the War Loans Ordinance, 1940, this Council authorizes the raising of further loans not exceeding £1,500,000 by the issue, whether within or without the Colony, of registered bonds.

When the first issue of East African bonds went on the market in December, 1940, there were, I am afraid, some sceptics who perhaps did not appreciate the patriotism of the people of this country. These war bonds issued in 1940 resulted in a total sum of over two million pounds being lent by the people of East Africa to His Majesty's Government in the United Kingdom for war purposes. At the beginning of March of this year the old series of war bonds was replaced by two new series, and since then we have got in nearly £600,000. Thus the total amount raised by war bonds in East Africa comes to over £2,700,000, a result of which I think we need not be ashamed. This Council has approved the borrowing of two million pounds only, so that in point of fact we have received a sum of several hundred thousands which we were not authorized to borrow. We now seek covering approval for it, and further borrowing powers up to £800,000, making a total of one and a-half millions in all. The proceeds of these loans, as hon. members know, are being devoted to East African war expenditure in a very particular sense. The money is not remitted home to the United Kingdom but is remitted here in Nairobi to the Command Paymaster, East Africa Command Headquarters, and it is actually spent in this country.

As I have said, the result of this experiment—because the raising of a loan locally was an experiment—has not been one of which we need be ashamed, but I think that every member of this Council will realize that we can do very much more. Your Excellency in various broadcasts has stressed the importance of saving as a part of the national war effort, and I need not waste the time of Council, and I do not intend to, by repeating what Your Excellency has said on those occasions. Suffice it to say that we have recently read in the papers and heard on the wireless something of what the war is costing in the recent speech of the Chancellor of the Exchequer at home. Taxation in the United Kingdom is at the highest possible pitch, but the proceeds of the taxation do not suffice to pay anything but a relatively small proportion of the total cost of the war. That

[Mr. Troughton]

gap has to be made good by borrowing, and by buying East African war bonds each person in East Africa can help to do his share to bridge the gap. The success that we have achieved up-to-date must be attributed in a very large degree to the public spirited and voluntary work carried out by the War Savings Committee since the inception of the loans. We owe them a debt of gratitude for this work.

Before I sit down I should like to make one further point. Many people may possibly be deterred from purchasing war bonds because they wish to keep a certain amount of cash in liquid form for the purpose of meeting payments of income tax and excess profit tax. I am glad to be able to say that arrangements have now been made under which the Commissioner of Income Tax will receive East African war bonds in payment of income tax and excess profit tax. The payer will be credited with the full value of the bond plus accrued interest.

MR. HARRAGIN seconded.

The question was put and carried.

#### TEA PLANTING RESTRICTIONS.

LORD FRANCIS SCOTT (Rift Valley): Sir, I beg to move: That this Council recommends to the Imperial Government that all restrictions on the planting of tea in the East African territories should be abolished in view of the destruction of tea estates in the Far East.

A few years ago there was an international agreement arrived at between the chief tea growing countries in the world to restrict the future planting of tea so as to prevent too big a surplus of tea in the world. East Africa—and I am talking of it generally, not only of Kenya—had to come into this agreement, and they were heavily penalized in doing so because their tea development was of a very much later date than all the other territories which had had tea established over a very much longer period. The result has definitely handicapped the development of the tea industry in these territories. I am speaking now not only of Kenya, but of Tanganyika, Uganda and Nyasaland, and before going on I should like to make it clear that while I have no tea

interests in Kenya I have some interests in Tanganyika.

That agreement does not come to an end for another year or two, I believe, but I do submit that, when conditions have changed so enormously as they have in recent months owing to the war in the Far East, which has definitely thrown out of commission a large part of the tea-producing countries in that part, it is entirely wrong to stand by such an agreement and at a time when we are asked to produce all we can in the way of necessary foodstuffs, and tea is a very necessary foodstuff. This war is a war of production, and any artificial restrictions on necessary production must go by the board and be thrust on one side, even though they may be opposed by certain vested interests in the City of London. It may be argued, and the people who oppose this will argue, that it is no good starting tea planting now because it will be of no use for some years. I submit that that is a false argument. Nobody knows how long the war will last, and if we do not start at once planting extra tea every year's delay is going to make the position more serious. Even if the war should come to an end before any new tea planted at the present time is of value, the destruction which must have taken place to many of the big estates in the Far East will have to be replaced if we are to provide sufficient tea for the requirements of the world. Naturally, even if it is decided right away that we can get on with this tea planting, the amount that can be planted in East Africa will be of a comparatively small amount compared to the world demand.

I do submit that we should take steps at once, and I trust that this Government will get into close touch with the other governments concerned in East Africa and inform the Colonial Office that they cannot abide by this arbitrary limitation any longer but that they are going to encourage the planting of tea in all suitable places where there is the necessary factory accommodation and the land is suitable for growing tea.

I have said in this motion that all restrictions should be abolished—I should like to modify that. There will probably have to be some form of control over tea planting so that it is not

[Lord Francis Scott]

planted in unsuitable places. I shall be quite content if anyone who wishes to increase their tea planting has first to get a permit from the Director of Agriculture of the territory concerned. I feel that this is a matter which should be dealt with without any further delay, and I trust that Government will accept the motion.

MR. WRIGHT (Aberdare): Your Excellency, I beg to second the motion. In doing so I will say that I am deputizing for the hon. Member for Nairobi North who as Director of Production wanted to be associated with this motion but who, in that capacity, is engaged in important work this morning, and could not be here.

I must at the outset explain that I am indirectly connected with the tea industry in Kenya, but I am not concerned with the big interests so much as with the potential small growers to whom this is a heaven-sent chance if Government takes the action indicated by the noble lord. I have spoken from time to time over a long period on the subject in this Council, and there is no need for me to amplify the case so well put by the hon. mover, but it is a bit galling at this time of day when a communication is given of the nature like the one submitted by the International Tea Committee (of which I have seen a copy) stating in very smug fashion that they had been devoting their attention to this particular issue and that they saw no reason why the tea restriction should not continue and be extended indeed until two years after the war had ended. I suggest that it is because of that smug attitude on the part of international financiers in London concerned only with vested interests and in maintaining the unduly high price of tea that we run the grave risk of losing the war.

I have much pleasure in seconding, and trust that Government will take speedy action to remove such a fatuous ordinance as the Tea Ordinance from the statute book.

MR. BLUNT: Your Excellency, I have your authority to say that Government is pleased to accept this motion. (Hear, hear.)

The matter has, as the hon. seconder of the motion said, been discussed previously in this Council, and I do not think there is much I need say in connexion with it. There is, however, one further point which appears to me to be a very good reason for justifying the increased planting of tea in East African colonies, and that is, that I feel certain one effect of this war will be that those large numbers of Africans who are serving either as troops or in other ways and who are now drinking tea will come back and create a largely increased demand for tea in Africa after the war, and that effect is likely to spread beyond those individuals.

I should like to say that I entirely agree with the hon. mover that not all restrictions should be removed but that some care should be exercised to see that tea is not planted in districts which are known not to be suited to it, and that proper provision is made for economic units which will be able to carry their own factories.

Government has already moved in this matter, and a telegram has been sent to the Secretary of State, pointing out most of the points made by the hon. mover, and it has suggested that planting should be permitted immediately without waiting for the termination of the restriction period in twelve months' time. It has been pointed out that even if planting is permitted immediately in the forthcoming rains it is quite impossible to put in any very large crop, but that there is every justification to put in such a crop as can be prepared and for which plants and seeds are ready.

The question was put and carried.

#### KENYA WAR EFFORT

MR. WRIGHT: Your Excellency, I beg to move: That this Council, whilst welcoming the appointment of a Civil Defence and Supply Council with complete executive authority, views with grave concern the failure of Government up to date to inspire full war effort, and calls upon it immediately to take measures, however drastic, by the mobilization of the resources of the country—human, agricultural, and industrial—so that Kenya shall play its full part in the prosecution of the war.

[Mr. Wright]

There is some concern, and we on this side of Council in the main share it, that Kenya has not yet played and still is not playing its full part in the prosecution of the war. There are many people, an extraordinary number, who take it for granted that because we are remote from the war zone, or notwithstanding that, things are going along pretty well, and just being British and undefeatable the war shall be won whether or not we play our full part. It is to dispose of that illusion on the part of the lotus eaters that my colleagues and I feel the moment is opportune to speak of the feeling held generally by other people throughout the country in respect of such grave issues. That feeling is perhaps well exemplified by the formation of the local Total Defence Union, a body which has rallied to it and created much enthusiasm a tremendous membership. I want in passing to pay that body a tribute for helping us this side of Council to see more clearly than before the need for such a council as you, Sir, envisaged yourself and were prompt in instituting, namely, the Civil Defence and Supply Council.

Constructive criticisms appear from time to time in the paper, and on a recent occasion a thoughtful document was published—the authorship I do not know—on the subject of the need for co-ordination and decentralization. If we are going to-day to play our full part in this war I want to touch on one or two aspects that seem to us, or to me at least, very vital in the consideration of this issue.

We have to-day I am told between sixty and seventy thousand Italian prisoners of war in this country. Well, it seems to me a very real menace that we should have so many prisoners of war doing nothing, or little, and producing nothing. I have heard the old story that there are difficulties in the way. Of course there always are, and these difficulties exist in the main, as always, to be overcome. I suggest that the cost of maintaining this vast horde of prisoners must be in the neighbourhood of five or six million sterling a year. We have heard earlier this morning of the amount of money that Kenya has been able to raise in war loan to

be expended locally. But it is a great tax, and I suggest—and there is an opportunity for correction if I have over-stated the case that it cannot be less than five million sterling per annum—that as an Imperial liability it is a very grave one if there is in turn nothing put up on the credit side of our Kenya balance sheet. I want to ask if there is still no big scale production and development plan evolved in Kenya? That would enable at once beneficial use to be made of these prisoners, even if it did not immediately prove to be an economic effort.

There are all sorts of matters that could be dealt with of great importance, apart from roads, such as water conservation schemes and, not least, a scheme whereby those prisoners could produce not only all they eat themselves but a good deal more, and I do suggest that that is an obvious and urgent problem requiring a solution. Should that not be the case, it will amount to an admission on the part of Government that after some 40 years of white settlement there is still no long range plan for the development of Kenya at all, and that would be a grave reproach indeed at a time like this. One knows, of course, that there is a joint responsibility in respect of the use of prisoners of war and that Government is not entirely to blame in the utilization of these prisoners on a big scale scheme, but one also knows that a certain measure of agreement has been reached whereby the military authorities retain the control and discipline whereas the employing units are responsible for the work and the tasks allotted to the prisoners. I do suggest that at this late day there is very little to show for the employing units, and if the Naivasha-Gilgil Road were taken as an illustration of what a fair task or fair amount of work is to mean then I suggest that there is something wrong with the discipline as with the task when, after some five months' work, I think less than two miles of road has been prepared. We cannot win the war at that pace, and on that ground I emphasize the fact that these prisoners of war who are a menace to-day in over-eating, and doing nothing, should be fully utilized as soon as possible.

[Mr. Wright]

In respect of food production I can never understand the military attitude. While it is probably not incumbent upon anybody in this Council to defend the military some, among other aspects, appear to believe that food for the troops falls as manna from heaven and that there is no need for the population to take a hand in ensuring the future supplies. I say that the problem of utilizing the prisoners of war is the biggest factor affecting internal production and consumption in Kenya to-day.

Going on from prisoners of war, one easily changes to another aspect where we have so many interned Italians. It is a matter of some concern that at a time when we are casting around through the K.W.E.O. and other organizations for housing and accommodation for our own nationals as evacuees from the coast or elsewhere, we still suffer in our midst a series of camps, such as that in fact called the Italian Mission at Nyeri, where some 130 Italian nuns daily pray fervidly to the Almighty for the defeat of British arms while we have no accommodation for our own women and children.

I now pass on to say a word or two about native labour, which is to be amplified by other speakers after me. Your own broadcast, Sir, was an inspiring appeal to the natives throughout the Colony. It was terse, practical, and comprehensive. But you will forgive me, Sir, if I emphasize that there is a real need for that broadcast of yours to be followed up by other things, through the Administration—or preferably through the Man Power and Production Sub-Committees who are concerned with him—to tell the native that he should do better now than he has done hitherto. It is an undoubted fact that the threat of conscription did for a while and still may in certain parts give an impetus to voluntary labour, but it is equally true that in other parts of the country, notably Trans Nzoia, there is ample indication that the labour position has deteriorated very greatly since the war began, and that there is no real consciousness on the part of very many natives that they, with us, are engaged in a real war effort. I trust that Your Excellency's recent broadcast will do a

very great deal to help that case, as I think it will, but I should not and I hope Government will not allow it to rest at that.

Here again one is tempted to leave Government alone for a while and make comments in respect of the position in the military. There is a body called the East African Military Labour Service. I would like to find out from Government or any other source if the military are really satisfied that the great numbers recruited for that corps are adequately employed at this stage. I ask that because competent observers—senior officers to be precise—have not formed that impression. One or two of them have observed that these overfed, under-worked people will ultimately become a menace to Kenya in that after the war they will prove to be unemployable. There is a general dissatisfaction about this, and even the report into the question of the conscription of labour leaves lots of room for criticism, which I will not embark on except one point. Our Prime Minister in one of his many inspired orations, started a sentence thus: "Come, then, let us to the task". If Mr. Winston Churchill lived in Kenya his appeal to us would have been: "Come, then, let us to that amount of work that could be completed in six hours' diligent labour"—a vast difference and distinction, Sir.

Briefly summing up the position in respect of labour, I say that the mobilization of labour is the hinge on which success or failure in production swings.

I want to touch now on the subject of our untapped resources, and I would say that even at this late day the organization is hardly impressive. In the North Nyeri district I know of two neighbouring farms each of which has its tractor, its ploughs and equipment, even grain drills and harvester combine. Each of those farms has a minimum capacity of 500 acres of wheat per annum, with all the tackle and equipment necessary for the job. Neither farm has grown a thing except live stock since the war began. I submit that is a wrong state of affairs, and that if the zeal of those young farmers has been such that they have gone to join up in the Rekkies and other military units, the military should have long ago recognized the need of



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effecting the release of one good man to run both farms, putting in 1,000 acres of wheat as well as running the vast numbers of stock now run and managed by a lone woman running three farms, a thing about which I am constantly complaining.

The scarcity of essentials that prevails is one among many worries which beset us to-day, and I am glad that you, Sir, have recently appointed the Director of Veterinary Services as Dip Controller. But I do submit nevertheless, that it is a very grave state of affairs that after two and a half years of war this colony should be presented with a scarcity of cattle dip of such a nature that if further supplies are not immediately forthcoming on the estimate of the Director himself half the total cattle population of the country is imperilled. This at a time when meat shortage is threatened. Other scarcities to be touched on in passing are things like gear oils, and steam cylinder oils, whereby tractors and power units are rendered immobile for the lack of those obvious essentials. I suggest it shows a significant lack of provision that these things have only come to immediate notice now.

There are problems concerning the farmer that probably this Council is not aware of, and I have many illustrations. The vexations attendant on import licences are not the least. Here is one, of the case where a farmer through an agency firm in Durban imported magneto parts for a tractor, and the parcel arrived in Nakuru by post on the 21st March. It is still undelivered pending some communication from the Import Controller. This is the time when we should be speeding up production; yet while awaiting a communication from the Import Controller that tractor is not even allowed to waste its exhaust gases on the unploughed *shambas*. That is a grave reflection on the conditions that prevail that such delays should exist.

Among other illustrations passed on to me as alleging the difficulties concerning the primary producer, is that one of the biggest importing firms in agricultural machinery placed his order with the Overseas Purchasing Committee on the 1st September, 1941, when all firms were told to refrain from buying direct.

In spite of the assurance that the order had been placed, he had cabled information at the end of January that it had not been presented and, as far as he knows, it has not been placed yet. The order contained harvesting machinery spares for this year's crop. In September, 1941, when they placed the order, the factories in America were in a position to execute orders within three months; now it is computed that it will take at least twelve months, if they are forthcoming at all in fact. All that is associated with the rising costs of production, because it is abundantly clear that spares purchased to-day cost much more than those of a year ago. The only chance for these firms to get their goods is for firms to place orders direct with a certificate from Kenya authorities to say that the goods are required for production and defence purposes, but how long. O Lord, and why must these vexatious delays take place. I could wish that this new Council will expedite the process. I believe it has, and one is encouraged by the quick decision, notably by the Director of Transport, and similarly action taken on another subject which I will touch on by the Director of Local Industries. I have a list of these vexations, but I need not labour the point. The illustrations are sufficient in what is not intended to be a very long speech.

About local industries—I will touch on only two of those. Gas plants have been made in Kenya for years. I personally have run lorries on charcoal gas. I have had factories running and done all sorts of farm field work on charcoal gas with success but with admittedly a loss of power. When the diesel tractors came into Kenya, on account of cleanliness, high efficiency and cheap cost of the fuel the gas plants went out, and the diesel tractors were therefore favoured because in economical running they are just as good as gas plants and in power efficiency 40 per cent better. Now, however, the position is rather different, and when I am asked when our workshops perforce have to close down for lack of materials if we can make these things for use on tractors, motor trucks and so on, I am appalled, and having offered to supply all the available plant left, I am told that these are for experimental

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purposes. When Government through its Public Works Department, and also I think the Railway many years ago, conducted tests of similar plants and established as a fact that the loss of power was 40 per cent, which was always admitted, and when at this late day scientists want to reinvestigate the power tests, it seems to me a shocking waste of time. A friend of mine applied a month or two ago for a gas plant of a popular make which was in use in Western Australia in cereal production. The firm ordering sent for an import permit, but none was forthcoming, and there is little chance of getting the outfit now, that is from Australia. My friend's intention was that if it was better than the locally manufactured one, apart from using it himself it would have made an excellent model to copy for war production on a big scale to foster production work in this country?

In all ways there is need for further action on the part of Government or the control to see that oil drums and petrol drums, loosely used in reserves and on farms, and empty tins used for multifarious purposes, when all these containers are badly required are not lost, and I trust that the Director will get on to that particular issue and settle it quickly. The Information Office has started a new game of slogans which they might direct into more economic channels I suggest. Instead of saying "A slip of the lip may cost us a ship" they might change that into a very brief paragraph on the lines of a rubber company's advertisement from America, that "Every ounce of rubber is a solemn trust". This and every other slogan should have a sound, practical application. But there is an enormous amount of waste going on all over the country, and among us settlers the same thing prevails: there are scrap heaps that may be utilized in a manner not thought of or explored, and it is to stimulate such essential work as that that I prefer my criticisms so largely against Government to-day.

Now I want to say a brief word in respect of this Civil Defence and Supply Council. The country welcomes it and wants to give it a first-class show. Its first actions in various departments have

been most impressive. I have referred to two already. That action taken by the hon. and learned Attorney General's Department has got a backing right throughout the Colony, and that is good. But, even so, I would suggest that that Council is somewhat wrong in its constitution, because there in effect you have the heads of departments acting as a board of directors of the country, a condition of affairs that companies have never found to be very good or workable. It is conceivably also too big, but criticisms on that score are inopportune or untimely to-day. Of yourself, Sir, I commend your bravery in taking the chairmanship of such a body. That we on this side of Council welcomed it when Your Excellency's intention was announced goes without saying but, aware of the amount of work you have already shouldered, and as the war years go on the amount of work devolving on that council will be increasingly greater, I feel (and this is not critical of you) that an all-time chairman will prove to be necessary. To-day, when Your Excellency appears as a veritable triune of power—as the representative in the first place of His Majesty the King, as President of Legislative Council, and as Speaker of Legislative Council—with a host of manifold other activities for which the Colony has yet to thank you, especially in securing the co-operation of the neighbouring territories, it seems in the nature of human flesh that it will prove (and I say it in a friendly way) unavoidable, if this council which started so well in its aim to achieve an all-out war effort, that you will have to relinquish or deputize some of the tasks. It is in no carping spirit that I say this, but daily throughout the Colony we have a feeling that all of us are not yet playing our full part in this war effort so that I felt, with the backing of my colleagues, compelled to submit the motion I have had the honour to propose this morning.

COL. KIRKWOOD (Trans Nzoia): Your Excellency, I beg to second the motion.

There is one point which I should like to take up and restrict myself to, and that is native labour as it affects the farming community, more especially mixed farming, and the smaller farmer. As Your Excellency is aware, the whole

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of the European population has been conscripted, including our women and the whole of our children who are working. I myself have deprecated in this Council conscription for natives on a previous occasion, and even now I do not think it was necessary. I am told that although in my own district we succeeded in getting a sufficiency of labour in conjunction with the efforts of the Trans Nzoia District Council and the administrative officers in the adjoining reserves concerned with it, voluntary labour could not go on indefinitely. One reason given was that administrative officers were being snubbed. If that is true, and I believe it is, from the administrative officer's point he does not know how to deal with natives who snubbed him as the representative of this Government and indirectly representing His Majesty the King, there is something wrong in the make-up of that district officer, and I maintain that the voluntary system should have been proceeded with. Government thought otherwise, and pressure was brought to bear by their administrative officers, not by settlers, and the result is that we have conscription of natives.

I want to refer to the Defence (African Labour for Essential Undertakings) Regulations, 1942, and as far as I am concerned the objection to these is contained on page 75:—“(a) recruitment fee on the scale shown in the margin”, and this is 2/3 tickets, Sh. 5; 4/5/6 tickets, Sh. 7/50; 7/8/9 tickets, Sh. 10. It will be said that these fees are reasonable. I will admit here and now that as regards sisal and such employment on heavy work they have the pick of the boys from the reserves, who are selected for their physique. They are well paid for this heavy work, and rightly, and Sh. 10 for a nine months ticket is much cheaper than what you could secure labour for through recruiting agents. That I candidly admit, but when it comes down to other classes of labour on a three-months' ticket in the agricultural areas of Trans Nzoia and Usain Gishu and those places where it is mixed farming, the charges are prohibitive, and I do not see myself how these districts can pay under these regulations. In the first place, a three-months' ticket is Sh. 5; that

charge did not exist until these regulations came into force. We did not pay it. We either recruited ourselves, that is until recently, on account of the flax which is urgently wanted, though we did not necessarily want to grow it. We were compelled to, and my own district is the largest producer, and we were trying to pull our weight, and in speaking this morning I am trying to help definitely the war effort.

I know that hon. members opposite are probably thinking of an old quotation: “Leave me in a fool's paradise, paradise is enough for me; don't try to open wide my eyes to things I don't want to see”. But notwithstanding that I am afraid I shall have to try to endeavour to open their eyes to the mistake that has been made. I realize the difficulty when senior officers get together and say “We have got to get these boys out and so assist the war effort, and have got to fix a scale”. They have fixed a scale that is an impossible one for the small farmer to pay. The result has been another document. I had intended to read the whole of it, but Your Excellency is probably aware that it has already been published. I am referring to the memorandum on the native labour situation in the Trans Nzoia as on the 5th March, 1942, drawn up by a joint meeting of the executive of the Trans Nzoia District Council, representatives from the Trans Nzoia District Association, and the Coffee Growers' Association. It is not a man in the street opinion, it is the executive of three bodies in the area who understand the question and of practical farmers who understand the difficulties and snags and try to get over them.

We had previously succeeded by arrangement with the district commissioner say at Kakamega to recruit native labour, and paid recruiting fees it is true. To show the native reaction to-day, I myself engaged ten boys on two months at Sh. 8 and Sh. 9; that put the wages up by Sh. 1 and Sh. 2 per ticket. I had to give them an allowance for the return journey, and although they walked they got the allowance for the return. Apart from their posho ration, which was not stinted, they got through a 180-lb. bag of beans in two months, and four water buck, and two bags of sweet

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potatoes. That is probably an extra ration. The result was good food, and they were only doing light work on a mixed farm. Their heaviest work was chopping down blue gum or hoeing, but the moment the two months were up they departed. They were offered recruitment again, but they went home and nothing would induce them to stop, not because they were not well treated and better paid and better fed than ever in their lives. What was behind the boys' mind is a difficult question to answer, but I must say that seeing they had a joy ride of 70 miles to the work and got paid for going back it was probably the case that they were going back to get another journey to the work knowing that I or somebody else wanted them in a short while. I can see no other reason, and I had a good month's work for them. The result was that all work stopped on the boys' houses, which were being built of brick on the farm. The native is very, very difficult to understand. My reconstruction of the case is that knowing he was well treated and well paid, he had enough to pay his taxes and so went home, to get another joy-ride when we wanted him again.

The other thing is the question of the taxes. None of these boys had paid theirs; I ascertained that. I queried whether I should follow the system of collecting their taxes, but was advised not to do so; it might stymie other people. I have always collected the taxes from my boys' wages. It helps Government, and should be made compulsory. But these boys had not paid, and I will challenge any district commissioner in any of the two districts mentioned to dispute that not 40 per cent of the casual labour have paid their taxes up to date, and not more than 50 or 60 per cent will pay at the end of the year. If Government would see that native taxation was collected, the boys would have to earn the money to pay them. Not only that, but it does not help the war effort to allow a native to be lackadaisical over the payment of his taxation at the present time, and it could be speeded up.

Then there is the question of the transport. After all, these big buses and lorries which collect boys for a 70-mile journey require petrol, which is almost

prohibitive at the moment. Only yesterday, I was talking to a Government official who wished to go to the Trans Nzoia to inspect a farm with a view to purchase, but he was not allowed the petrol for the journey. It was not a joy-ride, but he was told to go by rail. But you cannot go to Kitale and back by rail over the week-end.

Quoting from that memorandum again, which I think was an excellent one, the table of comparative costs shows that in 1939 the average total cost would be Sh. 11, and the average cost under this scheme is Sh. 18/50. It is a big jump, and I think that is underestimated, because I estimate the cost at Sh. 5 recruitment fee, Sh. 6 transport, Sh. 2 allowance for four days at 50 cents a day, and also Sh. 2 for forwarding expenses, which brings it up to Sh. 15. That is Sh. 5 average on three tickets. It is a minimum increase of Sh. 2 a ticket on wages and a minimum increase of Sh. 2 on rations, and live and two and two make nine. They have to pay wages at Sh. 9 a month, and no mixed farmer can afford that, nor a maize farmer. The guaranteed price of maize is Sh. 9, some 33 cents extra increase cost of the bag, and 27 cents for other small charges, making 60 cents to come off that Sh. 9, apart from the wages.

I am hoping that Your Excellency will take this matter up. I know a genuine attempt has been made, and that is stated in this document. A large number of people hold the opinion that Government has not seriously attempted in the two years mentioned to increase production, but I do not hold that view, and think it unfair. I think a genuine attempt has been made, and if the recruiting fees could be adjusted I think there is no question of doubt that it will make a wonderful difference to the productive drive now going on. I cannot see who is to benefit by the capitation charges. Government collects it, but surely they should not put themselves in the position of professional recruiters. The least Government should do is to forego the recruiting fees under the scheme, and, if they cannot, on a three months' ticket I think the capitation charges should be abolished. The other people, such as sisal, are I think getting their boys recruited cheaper. When they recruit they

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send their own recruiter, and the boys are selected for their physique. Under the conscription scheme that would not work, for if you want ten boys and 20 per cent are inefficient you have got to take the 100 per cent whether they are good or bad. For casual labour there is no fee. You can select if you wish, but with the recruiting scheme I doubt whether it is going to work.

I do not wish to worry this threadbare. It is just that one point I am trying to emphasize, the recruiting charges, the capitation charges, more especially the two to three months, and I would suggest it is a suitable subject for the Civil Defence and Supply Council to study. After all, you have the authority and you have the power to make alterations. Although it has been accepted in the document which I quoted, I hope the recruiting charges up to a three months ticket will be abolished. That is my point, and I hope you, Sir, will take my suggestion and have it studied by the Civil Defence and Supply Council. I would suggest also, if you have not a copy, or if any of your officers have not, I can get the memorandum published by my own district council. It is moderately phrased and has gone into detail which has been supplied by practical farmers farming for the last twenty years, and they ought to know what they are talking about, so that I hope something will eventuate from the discussion this morning.

MR. NICOL: Your Excellency, I rise to support the motion. In view of the fact that in the past I have criticized Government for their apparent lack of getting on with anything worth while, I do very warmly welcome the setting up of this central Civil Defence and Supply Council and I would ask Your Excellency to accept my congratulations in taking the step that you have done and for the way in which decisions are no sooner taken than action follows, without waiting to put things through the old channels of reference to the Secretary of State.

In fact, I think we can say that for the first time for many years—and possibly for the first time in the history of this Colony—the Colony is being governed by the Governor. That is a very satisfactory state of affairs. The new Council

has not been in existence very long but they have already achieved much; but there are still many things which remain for them to do. At this stage it is gratifying to observe that the scope of the work of the Council is getting away from being merely of a Kenya—or parochial Kenya—body and has taken on responsibilities of an inter-territorial nature, and the Governors of the adjoining territories are to be congratulated also for encouraging this outlook.

We have, however, got to go very much further and, as I have said before on many occasions both in this Council and outside, these East African territories cannot get down to fulfilling their proper functions in war time, or at any time, or developing on sound lines until we achieve the union of the East African territories. This war has shown more closely than ever before how very necessary this is, and I trust that while union is a natural corollary to the existing work of the Council, steps will be taken to speed up union, so as to make the Council's work easier and therefore more efficient and more effective. To get the East African territories on to a 100 per cent war footing great sacrifices have got to be faced and endured, and I am perfectly certain that the country is ready to make these sacrifices providing it realizes and knows that what they give up and what they do without is really going to help the war effort, and I do suggest that one of the first steps of rationalization is first of all the unification of these territories. In examining the possibilities of our war effort, and possibly comparing conditions out here with conditions in Great Britain, it must be realized that because certain things have not been done at home, or have been done at home, there is no reason why we should not examine suggestions and see whether they could not be applied out here, as conditions out here are very different from those at home.

One of our great handicaps here, from which all these East African territories suffer, is a lack of man and woman power, and I am not satisfied that the fullest use and the best use is being made of the man and woman power which is available in the Colony and in the territories to-day. I am not talking of military requirements but of civilian

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needs and the best method of keeping the civilian side of the war effort at full strength and at 100 per cent efficiency. After all, this is a civilian's war as much as a military war, and the economic side has got to be kept going, otherwise vital supplies which the military requires will not be forthcoming. I submit, Sir, that the time has now come when your new Council should examine ways and means of rationalizing trade and commerce. A possible method would be the compulsory amalgamation of businesses, not only big businesses but small businesses. And here I would digress for just one moment on a subject which I am very sorry to have to raise, but I think it is only right that it should be ventilated.

At a recent meeting—one last week—of a sub-section of the Mombasa Chamber of Commerce called to consider and examine proposals for the administration of a certain trade which were put forward by Government, it was found that one section of the community was definitely not out to play and help. In fact, it was brought out that this particular section—which happens to be the Indian side of that particular trade—had had a meeting prior to this sub-section meeting on their own and had decided not to co-operate, and in fact, after nine points had been dealt with—there were seventeen points to discuss—the voting being nine in favour and thirty-one against, the chairman closed the meeting and said that it was obvious that there was a spirit of non-co-operation about and that he would report to Government this attitude and recommend Government to bring in compulsory powers. Now, I am perfectly certain that my hon friend Mr. Isher Dass is not going to stand for that sort of thing, and I am perfectly certain everybody here well realizes that we have all got to co-operate and co-operate with Government to get 100 per cent efficiency for our war machine. I would like to say that it was only this particular section.

I want to take another side where co-operation is very obvious, and that is I pay a tribute to the leaders of the various Indian communities in Mombasa for their very great help and co-

operation in a very difficult, unhappy and trying job, namely the matter of the organization of the evacuation of Indian women and children—and, believe me, they have got a very difficult job and they are going about it in a way which is magnificent. They are absolutely all out to help. I should like to see that spirit in evidence in every section of the community.

To go back again to my point of amalgamation—that amalgamation does not apply to European firms only but to Indian concerns as well. It will free man power and we shall be able to use their services in other spheres more useful to the war effort, and the fact that goods are in short supply should in many instances materially assist in such amalgamation. Another point which must not be lost sight of is that in the event of attack on the East African coastal towns, there are bound to be casualties, and if they are heavy—not necessarily very heavy—they may thoroughly disorganize the economic life of the interior, and, in fact, perhaps an attack on a coastal town might bring about the compulsory amalgamation of some businesses to-day. I am not going into details of how the economic life would be upset because it does not need super intelligence or imagination to see what would happen, nor am I going into details here in regard to the question of how we should go about rationalization of trade and commerce.

There is one further point, and that is that I do not think that Your Excellency has so far, if at all, made sufficient use of the powers conferred on you by the Compulsory Service Ordinance, and I venture to suggest that now is the time for Your Excellency to apply those powers and, together with a reorganization of the civilian resources at your disposal, really to bring our war effort to a high pitch of efficiency. Let us have a clear, loud trumpet call to action instead of just the beatings of a penny whistle we have had here before.

MR. COOKE (Coast): Shortly after Italy entered this war there was moved in this Council a motion which was euphemistically called a "gingering up" motion but, like most motions in these days, it ended in a sort of "mutual admiration" type of debate in which

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bouquets were thrown from one side of the house to the other, and of course my hon. friend the Chief Secretary immediately described it as a constructive debate, and he singled me out with the singular honour of being the only constructive critic on that day. I had the audacity to say then that I could hear no clarion call to victory and that I could see no leadership which this Council was anxious to see.

I was not then in the happy position of my hon. friend the Acting Financial Secretary who to-day told us that he would not "waste the time of Council" by repeating what Your Excellency had said! Well, all these months, Your Excellency, we have been "as sheep that had no shepherd" until Your Excellency the other day, I am glad to say, chose to lead us; and I perhaps may remind Your Excellency, that the scriptural shepherds led, but did not drive, their flocks.

On that same day I criticized Your Excellency's Executive Council and I drew upon myself, perhaps, the righteous indignation of two of my colleagues on this side of the Council. But I might now ask my hon. friend who were the constructive critics on that day, and who was the destructive critic. I shall ask him no such question, but would merely mention that incident because it shows that we in this Council who desire progress to be made and to be continued must remain critics. To say all was well when all was not well and to cry "peace, peace" when there is no peace is, in my opinion, to do a grave disservice to you, Sir, and to the people of this country. That is what was done by Daladier and by Baldwin in Europe. Gentlemen on the other side of the Council are far too prone to think that criticism is mere opposition, when its one purpose is to stimulate. I submit it is because we on this side of the Council have not used enough stimulation in the past that Kenya is in the invidious position that she is in to-day. The production policy has been a failure, the labour policy has been a failure, the transport policy has been a failure; in fact, everything that Government did up to the last few days has fallen far short of a total war effort.

To take one instance, and that is the Settlement and Production Board, of which I have been a full-time critic, I do not blame the Government for their failure. I believe the failure was due to the Board itself. I know the apologists say that they had no clear orders, no definite instructions and no terms of reference, but of course determined and forceful men would not wait for instructions nor would they be deterred by lack of terms of reference; they would go straight ahead. Can anyone imagine, for instance, that Lord Beaverbrook or Mr. Donald Nelson would cease to produce aeroplanes and tanks because they could not get definite orders—and maize and wheat are our munitions in this country. I mention that because I think that the same danger may beset this new Supply Council. They may think because they have been created on paper, that a magician's wand has been waved and that, hey presto! everything will be all right; that they have only got to listen to this suggestion and reject that suggestion for the maize to grow and the wheat to sprout, and the cows to calve and the roads to be made, and the factories to spring up like mushrooms overnight! Unless this new Council has got the will and determination to pursue a firm policy, in my opinion it is doomed to failure; and it will not be able to pursue that policy unless there is a complete remodelling of the Government machinery. That machinery, I submit, is obsolete. It is as if we were using a spinning wheel instead of an up-to-date loom. It is as if we were riding a penny-farthing bicycle instead of a motor-cycle, and it is for that reason that I urge a complete reform of the Government machinery, and unless we get that I feel certain that there will be no progress made.

I would like to ask my hon. friend the Chief Secretary this plain question, and I think it deserves a plain answer: Is my hon. friend satisfied that all the heads of departments and all senior officers are pulling their weight? If they are not I think they should be superseded by junior men who can pull their weight. I know that is an unpleasant thing to say, but we are in a war now and want the best men. In time of war to be conscientious, to be hard working,

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and even to be patriotic is not enough—we must have men of quick and accurate decisions; we must have men of courage, moral as well as physical, and we must have men who will go ahead in spite of any obstacle, and having given decisions, will see that they are carried out. Circumlocution and procrastination may be only a source of irritation in time of peace—in time of war they are certainly a crime. And we find in every department—or at any rate in most departments—an unwillingness to take risks, an inclination to "pass the buck", a tendency to put off; to "purchase present peace", as somebody has said, "at the expense of future trouble", and everywhere it is to be found that cancerous growth eating into the whole Government machine, and unless we can cut it out I do not think this Defence Council will be a success.

To me the greatest disappointment of all is my hon. friend the Chief Native Commissioner. About four years ago in this Council I besought him not to sit on the fence with a copy of *The East African Standard* in the one hand and a copy of *The Manchester Guardian* in the other. Ever since that, he seems to have done nothing else—looking over his shoulder from time to time to see what the Secretary of State has to say! His only policy seems to be to have no policy. If I may compare him with the late Lord Balfour, he is a very good man to take one to the cross-roads, and then he does not show you which way to go. The Africans in this country do not understand this sort of thing; they want plain orders and plain words. If my hon. friend is not in favour of compulsory labour then he should get up and say so. On the other hand, if he is in favour of compulsory labour he should go into the reserves and tell the natives in unmistakable terms that they have got to turn out and do their duty, as everybody else is trying to do.

My hon. friend on my right (Col. Kirkwood) I think rather unfairly, said that the administrative authorities were being snubbed. The very reason that they were being snubbed—if they were snubbed—is that they were asked to undertake the impossible job of trying to persuade the natives to turn out when

they had no compulsory powers and, if I may say so, I think they did that in an amazingly good way without much friction.

The hon. Chief Native Commissioner has not been much helped by the two representatives of natives on this Council. I know this will be regarded as a personal attack, but it is no such thing. I am attacking the system and not the men. These gentlemen when they were appointed had only just left Government service and they were naturally—if I may say so—not perhaps *persona grata* with the native people; having only just left Government service where they had naturally been carrying out a Government policy which might differ from the policy which they might consider was right, and furthermore they are on so many committees that they really have not time to devote to their primary object. We are walking on very tender ground in this matter. The natives of this country are receiving education—rightly or wrongly—and that education is not only book learning but is education on the farms and in the workshops, and it will not be very long before they demand, or ask, for additional representation. I should myself be very sorry at the present moment to see natives sitting in this Council because I think it would be premature, but I do think that some system should be arranged—rather on the lines of what I suggested to Lord Hailey—and that is that there should be a central native council which would choose its representatives from a panel of Europeans submitted by Your Excellency, and I hope Your Excellency will take note of this matter and will not wait—as they waited in Malaya and Burma—until the crazy structure of humbug and make-believe falls to the ground. Macaulay said in one of his essays that you could not "impart knowledge without stimulating ambition". We have imparted knowledge to these people and we must now be prepared to listen to their views.

This motion says that "This Council, whilst welcoming the appointment of a Civil Defence and Supply Council". And we do welcome it, but there are a lot of thinking people in this country who feel we have not gone far enough. There is far too much easy pleasure going on

[Mr. Cooke]

and far too little realization of the grim test in front of us. There is far too much luxury and not enough austerity. There is far too much spending on luxury goods. At an auction in Nairobi the other day people who obviously never had so much money in their lives before bid fantastic prices for ordinary common goods. In some of the camps and in some of the offices there are military and naval people who, in my opinion, should be back on their farms; they should have been replaced long before now by disabled officers from England. They are drawing large salaries and not, I think, doing all the work they should do, and at this time when it is so necessary to have people on the farms, I think that those gentlemen should be released. Possibly some of them do not want to be released because they are drawing a very large salary at present!

There is another point, and that is the question of the Home Government point of view. You, Sir, are His Majesty's representative and I think you should also, if I may say so very respectfully, hold a watching brief for His Majesty's Treasury. I brought this up once before to the late Financial Secretary and his reply was that it was not Government's job to watch military expenditure. That view I cannot share. I think it is the job of somebody in this country to point out if and when waste is going on. There is also a feeling amongst responsible people that there has been too much nepotism, or possibly—to use another term—patronage, in a lot of appointments that have been locally made. There is no doubt, as we all know, that some of the promotions have been quite scandalous because the people who have been promoted have not deserved it. It is all wrong at a time like this that people should be promoted merely because they happen to be jolly good fellows or for any other similar reason. It is not in that way that great wars are won. The Germans and Japanese have won their victories so far because they have shown a fanatical zeal and they have subordinated everything—their mode of living, their comforts, their very lives, to the conflict, and I feel

perfectly certain that unless we in the British Empire are prepared to show the same fanaticism we will not win this war. Whether that fanaticism is founded on religion or whether it is on belief in democracy, or whether it is love of one's country, does not matter; it may be all three, but unless we show it I feel that the chances of our winning this war are very slight. And this country so far has not really taken the war sufficiently in earnest. We will therefore have to bend all our energies to this colossal task. I feel that, victory having been won, we should be proud if we could say that we did at least contribute to the limit of our resources and to the utmost limit of our abilities. I therefore support the motion.

MR. PATEL: Your Excellency, I was very sorry to learn from the hon. Member for Mombasa that there is a lack of co-operation in the coffee section of the Mombasa Chamber of Commerce between Indian and European dealers. I may assure this Council that the Indian elected members desire that there should be full co-operation between all sections of the communities residing in this country in all activities, at least for the duration of the war. (Hear, hear.) I may also assure this Council that, as one of the members for the Eastern Area, as soon as I return to Mombasa I shall make every endeavour to bring about agreement between the Indian and European coffee-dealers. At the same time, I shall be failing in my duty if I did not convey to you that there is a certain feeling of distrust abroad among Indian merchants, and that is that under the cover of emergency sometimes influential European mercantile interests subordinate the Indian mercantile interests to an extent which would not have occurred during peace time. Rightly or wrongly, that feeling is abroad, and I should like to see influential European merchants try to understand the viewpoint of the Indian merchants and try to meet their case when it is reasonable.

I may at the same time say that, as far as the Indian elected members are concerned, whatever our complaints in regard to various matters, whatever our differences in regard to matters which

[Mr. Patel]

arise from day to day, so far as the war effort is concerned we desire to give our fullest co-operation to the best of our ability. (Hear, hear.) While I am on my feet, I would like to state what the Indian community generally think and feel in regard to their relation to the war effort. Among us there is a feeling that the Indian man power and resources are not mobilized as they ought to have been, probably because at the back of the minds of the unofficial European community (perhaps not knowingly) there are political reasons why the Indian community should not be encouraged in fields of activity where they would not normally be encouraged. I attribute the failure of necessary effort to mobilize the Indian man power and resources more to political reasons than any other reason. I suppose the lack of effort on the part of Government as far as the Indian section is concerned is largely due to that reason.

Your Excellency, at the outbreak of the war the Indian elected members stated in unequivocal terms that we would like to play our part, but I am sorry to have to state that, if there has not been definite discouragement, there has been a lack of encouragement given to the Indian community except that they have been taken as recruits as drivers, clerks and artisans, and sometimes in very unimportant positions in air raid precautions and similar emergency matters. I must state that the Indian community has not been given encouragement to play the necessary part they ought to, having adopted this country. I take this opportunity to make one point very clear, not only for this Council but for the other residents of this country generally: that whatever our personal views regarding constitutional issues in India, whatever our differences in regard to several matters with the European community, and whatever our complaints in regard to matters which affect us from day to day, we as an Indian community are unanimously against the barbaric aggression of Germany and Japan. (Hear, hear.) We believe the victory of democracy is necessary for the security of orderly progress of the Indian race, and therefore, if for no other reason, we are very

anxious to do our bit for the war effort, and we expect Government and the unofficial European community to give us due encouragement and opportunity.

I must say that at present, although we have full sympathy with the democratic cause, the Indian community appears to be a passive spectator and needs moving, and the only way by which active enthusiasm can be aroused is by the European leaders in co-operation with the Indian leaders trying to arouse enthusiasm in the Indian community by finding ways and means to do it.

Finally, we Indian members demand and request Government that, where necessary, conscription be applied to the male Indian man power and resources in the war effort, and I expect that on political grounds there will be no hesitation in applying conscription to the Indian community.

MAJOR CAVENDISH-BENTINCK: Your Excellency, this motion suggests the failure of Government to inspire a full war effort, it calls upon Government to take measures so that everything possible be done and every possible resource can be mobilized in pursuance of the fullest possible war effort on behalf of this country. To that extent I support the motion. I agree, and I hope we all agree, that there are many things which could have been done which perhaps we have left undone, that there are many mistakes which have been made, and that we must do a great deal better if we are at the end of the war to be satisfied that we were not lacking in our efforts. On the other hand, I do think that people should also realize that in some respects at any rate we have done something, because if the impression is generally allowed to prevail that hitherto we have done absolutely nothing, then I think it is going to be more difficult to get everybody braced to the task which lies ahead with the enthusiasm which I, at any rate, hope to see.

The hon. Member for the Coast selected as one of his examples of nothing having been done, or very little, the board set up by Government of which I happen to be chairman. Therefore I do propose to refute to some extent his allegation, in fairness to a large number of persons who have had a great

[Major Cavendish-Bentinck]

deal of experience in this country, who have put in a great deal of work in building up this country on the agricultural side, and who happen to be my colleagues on that board.

As regards agricultural production, I would in the first instance like to begin by stating that we have been called upon to supply quantities of foodstuffs for the military forces operating in this country which, when the story comes to be written, will I think be found vastly in excess of what anybody who is not connected with those supplies realizes, quantities which, if prophesied before the war broke out, there would have been no hesitation in saying would have been regarded as an impossible feat. Not only have we never failed in producing these quantities, but in addition on more than one occasion foodstuffs have not arrived from the south and other parts of the world and at very short notice we have had to make them good. The figures obviously cannot be disclosed, but when the war is over they are on record for all to see, and I think we shall have no reason whatever to be ashamed of what this country has done in that direction.

As regards organization and output, do not think that I am satisfied with what has been done, because I am not. As regards organization during the last year or so, I happen to have a few notes written for another purpose. The board of which I am chairman established throughout the country what I think have been found workable and effective local production sub-committees which now cover the whole of this territory. In one way or another various forms of price guarantees to producers with regard to nearly all commodities in short supply were given. These included wheat, flax, potatoes, pig products and a whole host of other commodities. They were not all Government guarantees, but in one way or another guaranteed prices were given in the manner best suited to the particular product concerned. Giving price guarantees was not so easy as it sounds, because those responsible for advising Government to give them had naturally got to see that money was not unduly risked in that the produce would be forthcoming, that it was up to stand-

ard, and could be converted and disposed of.

We drafted a scheme for affording financial assistance to farmers on a small scale by means of advances against crops not yet grown. That was the forerunner of the present scheme which has been adopted by Government. We made arrangements for keeping in production farms belonging to persons serving in the Forces, and I think that in the last year or so we have greatly improved those arrangements. We have done what we could to make suggestions for meeting labour difficulties. I know we have fallen short—I could say quite a lot on the labour question, but that has I know already been dealt with by the hon. Member for Trans Nzoia. We have introduced with the help and co-operation of the military authorities a method of procedure whereby Italian prisoners of war can be temporarily released for work on farms, and that system is working, and is working quite well. We had something to do with the introduction of national flour in order to save our wheat stocks.

Dried vegetable factories were erected with the co-operation of the Director of Agriculture, which supply the military forces, and which are extremely successful, so much so that a new factory is about to be established on a large scale. All this entailed considerable organization. I take no credit for this, it goes to the Department of Agriculture entirely, which organized vegetable growing on an adequate scale, and that has been a very great success. A bacon factory was taken over by Government, and is being doubled. Cold storage facilities though still inadequate have been greatly increased. Last year a scheme was put into operation for the redistribution and pooling on loan of harvesting and other agricultural machinery throughout the country. Lastly, we have I think played a considerable part in suggesting to you, Sir, and your Government the present scheme for the increased production of crops, the bill providing for which appears before this Council probably tomorrow for its second reading. Incidentally, I would like to say in that regard that I suggest that my much maligned board has at least shown the way to revolutionary methods. I think

[Major Cavendish-Bentinck]

if anybody had foretold 18 months ago the possibility of a financial scheme on the lines which appear in this bill, and that the responsibility of running that scheme, a very grave responsibility, would be thrown on the people of the country themselves, it would never have been credited as coming within the realms of possibility. But it has been done!

Members may say, "Oh yes, you have quoted a whole lot of things, but what are the results?" Well, on broad lines I mentioned the results as far as military supplies were concerned in my opening remarks. But in addition I will take one or two crops as examples and give some idea of what was done last year. Incidentally, there have been grave difficulties in disposing of some of these crops in the past, and we have had to make inquiries in various countries in order to see to what extent we could make fairly certain of disposing of them. In the earlier stages of the war the disposal of some of them presented the gravest possible difficulties. Anyone can say we ought to have foreseen the position. Personally, perhaps I did foresee and if I wanted to criticize I could criticize Government in that regard, in that they should have taken more chances than they did at an earlier stage, but the fact remains that as far as definite information is concerned it is not as easy as it sounds to make arrangements for the disposal of crops before they are grown.

Take, first, wheat. It is the one crop to which perhaps the criticism I have just made is the most applicable. But, under exceptionally adverse weather conditions which occurred last year at harvest time, the production was 38,000 bags more than the normal production we would have expected, and had we had reasonable weather during the harvesting period it is calculated that we should probably have had 160,000 bags more than we would normally have expected. This year wheat acreages have been enormously increased, and I shall be very disappointed if we do not have a surplus, given favourable weather, for disposal this time next year, which will be astonishing even to the critics in this Council.

Take potatoes. In 1941 we exported surplus to local requirements, which includes all military supplies, an increased 220,000 cwt., and the increase during this year will probably be far greater. We have very big contracts for the Mid East if we can ship them. At the moment the shipping position is difficult, so much so that we have had to be a little bit thoughtful about the enormously increased production which is at the moment taking place. The deliveries to the Potato Control were: European only, in November, 1940, 43 bags; in November, 1941, 1,855 bags; in December, 1940, 61 bags; in December, 1941, 6,348 bags; in January, 1941, 486 bags; in January, 1942, 7,915 bags; in February, 1941, 939 bags; and in February, 1942, 6,480 bags. The total deliveries of both native and European potatoes were: in February, 1941, 16,000 bags approximately, in February, 1942, about 34,000 bags, so that we have managed to increase that particular commodity.

Take flax figures of production. In 1940 we produced 114 tons of flax and 112 tons of tow; in 1941 337 tons of flax and 410 tons of tow. It is hoped this year to have every factory working up to absolute capacity.

In the case of maize, including military supplies, despite not very favourable conditions at certain times of the year, our export was 1,168,000 cwt. compared with 364,000 cwt. in 1940. I think a good deal of maize has not been got hold of which should have been exported, and that position I hope is going to be rectified from now on. In the case of beans which were also wanted, the surplus to local requirements in 1941 was 550,000 cwt. compared with 77,000 cwt. in 1940 and 123,000 cwt. in 1939.

Regarding purely native crops, we have exported already 6,000 tons of dura, increased the exportable surplus of groundnuts by 1,000 tons and sesame by 800 tons—some of this of course is East African—and questions of growing dhall, green gram and a fuller production of copra are being dealt with.

It was rather interesting the other day to see in the newspapers a little propaganda on behalf of Southern Rhodesia, saying they had taken over Supply and Production on a fairly comprehensive scale, that they were employing some

[Major Cavendish-Bentinck]

140 Europeans and 122 natives, that their costs of operation amounted to about £45,000 a year, and that they had delivered among other things a million pounds worth of produce and 1,000 tons of vegetables. Last year, for the military alone, our comparative sales of vegetables totalled 4,000 tons and fruit 3,000 tons. We unfortunately do not apparently ever get into the Press.

As regards pigs, during 1940 we produced 12,600 baconers and porkers, in 1941 24,900 and in 1942 the output should be not less than 33,500 according to the Pig Controller's estimates, so that we have risen from 12,000 to 33,000 in two years, and we have had to provide factory facilities and so on for this very largely increased output. Butter has gone up from 3½ million pounds in 1940 to 4½ millions in 1941, and it is hoped it will be 5 millions this year. As for slaughter stock, supplies of which are inter-territorial to some extent, including Liebig's factory—some 221,530 head of cattle have been provided, and 95,000 sheep, 14 million pounds of tea have been provided and, as you know, East Africa has been called upon to provide 140,000 tons of sisal per annum.

I have taken the liberty of quoting these few figures, I would again repeat, not because I am out of sympathy with the motion, not because I am content (I am far from content), not because one is complacent, but because I do not want to discourage those who are in fact working very hard by always reiterating that nothing has been done, but to show that we do appreciate their efforts and to say to them "You have done something, quite a lot, but you have got to do a great deal more". I suggest that sometimes it might be a good thing were some persons not only to say what ought to be done but to put their own shoulders to the wheel and to do more themselves.

MRS. WATKINS: Your Excellency, in rising to support this motion I should like to put on record the gratitude all feel to you for having welcomed any effort, whether individual or organized, towards greater war efficiency. Most particularly in the constituency of Klambu there has recently been an organized effort and, fearful that our views would

not meet with the approval of Your Excellency, we found we need not have been afraid as you were thinking along the same lines. I think it is going to make for co-operation in the war effort not only between officials and settlers but between all races, and I think that is going to be very useful indeed. Before the country had really woken up, and become aware of how much could be done, in the double purpose of supply and defence, the Production Board became aware of it, and I should like to acknowledge that all in the country know what a tremendous lot of work has been done to get farmers organized where they had not been. It is magnificent, but we want a lot more done.

To-day I want to look at the organization of the war effort a little bit from a woman's angle, if I may, and one or two things have struck me very strongly, speaking as a woman for women. One of those things I hardly know how to express in parliamentary language—is that we women think the country ought to live off its own hump. We are importing far too much, especially women's luxuries. Last year I was shocked to find that we imported from England 51 tons of chocolates, and we are still issuing licences for the importation of chocolates and sweets from England. Looking back to England, we know the food scarcity, and in this unprecedented war there could be an unprecedented way of dealing with it. I think that chocolates, or sugar or sweets like that which the London market wishes to sell could be sold in the colonies without ever leaving the English shores. All we need do is to put our names down for say five, ten or 15 pounds of chocolates for our friends at home and it could be given without it ever leaving England. We could float a kind of chocolate loan. I do not want to go to Nairobi Club to eat English biscuits, or anything England is short of. To enlarge on it would be to waste the time of Council, but all women (and I am speaking as a woman) want to do without our luxuries, I am not criticizing whisky, although I feel strongly about it, because I do not think it is the part of a woman and a teetotalter to criticize that particular item, but all silks and bright-coloured wools and all things like

[Mrs. Watkins]

that we can do without, and Your Excellency would have full support if you stopped all import licences from England for anything that has to do with women's luxuries. That is the first point I want to make.

Another point which I have been asked by some of my constituents to make is concerning the evacuation of children from Mombasa. We know that it is possible perhaps that schools from other districts may have to be moved or scattered more widely across the country, and I do suggest that if we could form any additional building for school centres, not in Nairobi, in an out-district, it would be a very good thing. Out-of-the-way districts such as Sabukia, or Kericho, some with doctors and hospitals, would be good centres, and I have been asked to speak about it to-day because we do feel that if children are evacuated from Mombasa, and possibly their mothers, they should be able to go direct to educational centres already arranged up-country.

One other point has been brought before me, and actually by the head of a Government department closely connected with the military. That is, he is having great difficulty at the moment in getting women workers that he wants in his meteorological office because there is no accommodation suitable in Nairobi. I would like to suggest that we have some provision. I do not want to call it a camp, but a club for women workers. What we need is one large airy central building among the grass and trees where extra *bandas* can be put up. You may say that we have not got such a building unused, I say that we have. We have the museum. I know that I shall be treated as a vandal for making that suggestion, to use it as a mess, dining hall and club for women, but among the trees in what used to be John Ainsworth's garden we could put up our huts and *bandas* for these women. If we did, they could get to Nairobi easily, for it is within walking distance, and is on the bus route. The museum pieces could be stored, and if it is considered too great a sacrifice I do not think any sacrifice is too great unless the Empire wants to be a museum piece itself.

One small point. I am heartily in support of the statement the hon. Member for Aberdare has just made about Italian prisoners, I should like to illustrate that point a little. We have Italian prisoners ourselves, and we find that some have a special art which I do not think we have in England, and that is wall building, which is not mason's work. If you could get these wall builders you could put up first-class buildings out of material we throw away here. If you gave them quarry chippings and rough stone from the side of the road they would put up a building fit for Government House, with beautiful walls, built with mud inside and cement polished exteriors. They guarantee them to last as the saying is "for my grandchildren and their grandchildren". We could use these wall builders on native housing in this country, and we are simply neglecting our chances. I can assure you that these buildings seem to arise out of no material at all—quarry chips, rough stones, wattle poles. In any case, I think that a three-roomed native house could be put up for £30, and I think that is a point we overlook. We could also have put up extra *bandas* around the museum for the women war workers. Petrol is going to be more difficult to get, and we must arrange for the women to be in and near Nairobi so that they do not have the extra strain of trying to get in, or of meeting cars which break down or are unpunctual. It is a problem we have got to face, and Italian prisoners may possibly help us to face it. I do hope Your Excellency will give that suggestion your consideration.

I certainly feel that Indian women and children should be brought in to this war effort more than they are. We have got many Indian women and girls willing to be trained to become quite good shorthand-typists or plain typists, and I do not think we are using this Indian woman power enough. If we are short of woman and man power we might have a tremendous access of fresh young labour from that particular direction.

I think that is all I have to say on this, but I should like to add our very sincere gratitude to Your Excellency for being so patient with us and helping us

[Mrs. Watkins]

to co-ordinate the war effort in which we all want to play our part.

**MR. ISHRA DASS (Central Area):** Your Excellency, we all seem to love the word democracy, and believe still that it is to save democracy the whole world is fighting for. Well, there is a war on, and it is not peace time, and this principle of democracy is so abused by some people that it is no wonder that that system of democracy degenerates and produces dictators in this world.

This motion calls for the mobilization of all the resources of the country. Hon. members have unfortunately failed to realize this, that they are abusing themselves the best form of democracy in this Council this morning. Do they realize that by moving this motion they have wasted 67½ hours of the time of heads of departments whom they are accusing of not doing their duty? They are keeping these heads of departments here when they ought to be in their departments when in 67½ hours they would have done more for the work than in listening to all the various silly suggestions which we have this morning. I have not so far heard one single constructive suggestion in support of the motion. Why I say constructive suggestion is because there has been nothing said to-day that could not have been dealt with by any individual elected member through the existing different channels. For argument's sake, what was suggested by the hon. Member for Kiambu could have been referred on one piece of paper to the Director of Civil Emergency and Man Power, and the position would have been clarified. All that was said in connexion with production could easily have been passed on to the chairman of the appropriate board, the hon. Member for Nairobi North, to have been dealt with in a special meeting of the board and immediate action taken. Any of the other suggestions by the hon. Member for Trans Nzoia could easily have been referred to the district commissioner of that district or the local sub-committee on man power and production. That is exactly the position.

When I am opposing this motion, I am not just doing so for the fun of opposing it, but to remind those hon. gentlemen that they can exercise more

discretion than to waste the time of Council and to approach those responsible individuals in authority to remedy these defects, instead of coming to the Council to have matters of detail discussed and 67½ hours of valuable time wasted in the name of democracy. I strongly oppose the motion. Also there is a Controller for wheat, a Controller for timber, everything is being controlled at the moment, and I hope that in future members on this side of Council, instead of bringing such motions as this, will take upon themselves to see the individual head of a department and try to remedy defects, instead of wasting the valuable time of Council, and further matters by keeping quiet. (Laughter.)

**MR. HOSKING (Chief Native Commissioner):** Your Excellency, there are a few points raised which I should answer this morning.

In the first instance, the hon. Member for Aberdare complains of the inadequate employment of the overfed and overpaid men of the East African Military Labour Service. I cannot answer for a military unit; there are hon. and gallant members opposite who might rise in its defence. But it does bring up the point that the Administration seems to be pouring labour into a bottomless pit. Since the war began, something like 85,000 to 100,000 natives more are in employment than there were, yet the demand seems unsatisfied.

I have been asked to make a definite statement regarding conscription. I am in favour of it, and always have been, and have said so in the native reserves I have visited. The great advantage is that it permits selection and allows us to get the right man in the right place. I have been a consistent advocate thereof as Your Excellency will bear me out.

The hon. Member for Trans Nzoia gave a false impression that the capitation fee was the Sh. 5 a ticket. I wish to stress this, because I am fully aware that the hon. member did not wish to give that impression. He meant to show that the total cost involved in getting labour on to a farm, including the capitation fee, is as much as the Sh. 5 ticket. As to this question of the capitation fee, Government has shown itself very willing to help farmers in every respect in subsidies and other ways, and if a case was

[Mr. Hosking]

put up for a reduction of this capitation fee for short-term contracts I am sure it will be sympathetically considered by the proper authority. I would point out, however, that it costs just as much to produce labour for a short contract as for a long one.

The hon. member—asked whom this capitation fee benefited. It was arranged to cover the out-of-pocket expenses of Government; no one makes any profit out of it, but if Government decides that it could do the work at a less fee that is a matter to be decided by the proper authorities.

The hon. Member for Trans Nzoia wanted us to revert to the old form of assisted recruitment. The fact of the matter is that his constituents are thoroughly spoilt! They were handed their labour on a plate by the Administration practically on their own terms for a very essential industry, flax. We did all the work and bore all the expense, and the community were more or less, satisfied. I remember at the Nakuru meeting, a member got up and said that Government had not done a hand's turn to help them in the matter. There is no pleasing some people! I want conscription to be given a fair trial and to do all in our power to make it a success.

The only other hon. member who raised any question to which an answer seems to be expected was the hon. Member for the Coast, who thought fit to criticize me. No one has a better right to criticize me than the hon. member. They say that an onlooker sees most of the game, and no one can accuse the hon. member of not having been an onlooker in this great game until he joined a most important committee recently. He and I are now in the scrum together, and I would ask him to judge later whether I am pushing my weight in that scrum and not, from his observations on the touch line, whether I am ineffective. I am prepared to abide by the results achieved.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 22nd April, 1942.

#### Wednesday, 22nd April, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 22nd April, 1942. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 21st April, 1942, were confirmed.

#### PAPERS LAID

The following paper was laid on the table by Mr. Rennie:—

Standing Finance Committee Report on Schedule of Additional Provision No. 4 of 1941.

#### ORAL ANSWERS TO QUESTIONS

##### No. 7—WAR DAMAGE TO PRIVATE PROPERTY

**MR. NICOL:**

In view of the fact that it is not possible to insure buildings or vehicles, etc., against war risk, will Government inform Council whether they accept responsibility in the event of loss or damage of such due to war activities and will reimburse the owner with the value of the loss sustained?

**MR. RENNIE:** No assurance can be given by the Government at this stage that compensation will be payable from public funds in respect of war damage to private property which cannot be covered by the provisions of the War Risks Insurance Ordinance. This is a matter which must be considered by the Government at the conclusion of hostilities in the light of the extent of the damage caused and the financial circumstances of the Colony after the war. The payment of compensation in full is regarded as the objective, but the possibility of attaining it depends upon the factors already mentioned. If it appears necessary for special reasons to make interim payments in particular cases before the conclusion of hostilities, each such case will be considered on its merits.

#### KENYA WAR EFFORT

The debate was resumed.

**MR. MONTGOMERY:** Your Excellency, as the hon. Member for the Coast mentioned the question of the representation



[Mr. Montgomery]  
of Africans on this Council, I should like to say one or two words on the subject. Some two or three years ago in Executive Council the same question was raised, and a note was made that the first step would be to give some recognition by means of joint local native provincial councils. The next objective was to constitute these councils, which would mean an amendment to the Native Authority Ordinance, which has not yet been done. The last step would be a long-range policy, that eventually there might be a central council. I should have thought any of these bodies now or in the future could make recommendations to Government when the time comes to appoint members to represent native interests on this Council. I should imagine that eventually there will be Africans sitting in this Council. Personally, I should have thought that the time has not yet come, but if ever it does I, personally, shall welcome it.

With reference to the remarks of the hon. mover about import control, I was told by the manager of a big firm in Nairobi that he was able to get all the flower vases he wanted, but found great difficulty in importing ladies' foundation garments, which are more useful, I understand, but less bulky.

MR. DAUBNEY: Your Excellency, there are two specific points in this debate that I should like to refer to very briefly. The first one relates to the establishment of a Dip Control. The situation in this country is a little peculiar in that the bulk of the supplies of dip that are used are supplied by one firm of manufacturers. During recent months the position has been very carefully watched by the Settlement and Production Board, by the Stock Owners' Association, and by my Department, and we have been constantly on the lookout for any signs that there might be an acute shortage of dipping materials. During that time we received repeated assurances that supplies would be forthcoming, and we continued to receive such assurances. We did, however, decide eventually to establish a Control, and the object of the Control is to utilise supplies of dip that are in the country, and also coming to the country in the next few

months, so that everyone will receive a share. So far no one has been refused dip since the Control has come into operation, and I believe the shortage is temporary and that there will be sufficient supplies to go round. Steps have been taken at the same time to investigate the possibilities of manufacturing arsenite of soda locally, and I should say that I received from the hon. Member the Commissioner of Mines and his staff prompt assistance when I approached them on this matter, and the project is now in the capable hands of Col. Pelling, of the Civil Defence and Supply Council.

I gathered that my hon. friend the mover regarded it as deplorable that matters should have been allowed to reach this stage. Well, I do not think there is anything deplorable about it. The stage reached is the stage of shutting the stable door before the horse has gone, and I would emphasise again that no one has yet gone short of his reasonable requirements of cattle dip.

My second point relates to the Agricultural Production and Supply Board of which I, in common with several members of Council, including the hon. mover, happen to be a member. The criticisms that have been levelled against the board and the charges of failure have been very ably dealt with by the hon. Member for Nairobi North, who gave facts and figures yesterday. I would only add that I believe the board has done everything that has been possible under the frequently changing conditions of this war to increase our agricultural production. Step by step the policy of the board has been adjusted to those ever-changing conditions. But I can go further than my hon. friend, the chairman of the board. I can add that the results which have been obtained by the board have been obtained with the steady backing of a Government that has been sympathetic and always ready to support proposals which come from the board, when those proposals have appeared to be sound and timely. The impression has got abroad that those results to which the hon. member referred yesterday have been achieved by the board in the face of serious obstruction from an unimaginative and unsympathetic Government. It is true that

[Mr. Daubney]  
heated speeches have been made at certain meetings of the board by members who seem to regard the meetings as a sort of graduate school for later oratorical efforts in this Council, but I do not believe that any member of the board would claim to-day that the board has been seriously obstructed or impeded by Government in the exercise of its functions. At least, when I asked, on a recent occasion, for examples of such obstruction none was forthcoming. Those are the only two points I wish to make.

LORD FRANCIS SCOTT: Sir, there are a few points which have come up in the course of this debate to which I should like to refer. The first one is the question of man-power.

We all agree that all the development in the way of agricultural production and so on should be achieved if it is possible to do so, and that to do that it is necessary to get more farmers back on the land. At the same time, I think it is perhaps not always taken sufficiently into consideration the present position which has arisen in this country owing to developments in the Far East on the military side. It has happened that in this war the local people, both official and unofficial, with knowledge of the country and of the natives, who have joined the army have proved themselves first-class soldiers, and it is absolutely essential in any expansion of our army which, of course, means native troops, that as many of those people who have knowledge of natives and how to handle them should be retained in the army. Unfortunately, the very person who makes such a good soldier is also the very person who makes a good farmer and is wanted back on the land. The difficulties to meet both these points are very great. I do believe that the military authorities have met the civil authorities in this matter, and have tried to do what they can to help, but it is a difficult problem. It is very easy to say we must have so many more men back, but you must remember that they are also wanted in the army. One other point not generally known is that there is a War Office Order that nobody can be released from military service who

does not wish to be released. That may apply possibly in the case quoted by the hon. Member for Aberdare yesterday. I do not know the case, but it is quite possible.

I was very glad that the hon. Member for Nairobi North did point out that a great deal has been done in Kenya, because in my opinion we are very apt in this country to deprecate all that is done in this country and to praise what is done elsewhere. The object of this motion is that we should achieve the full war effort in this country and that anything which in any way obstructs that war effort shall be got rid of and put on one side and while, as I have just said, I am glad somebody has pointed out that we have done a very great deal in this country, I think we must all agree that we have never done enough, and nobody has done enough, until the final victory is achieved. Therefore, while acknowledging past achievements, we must all do what we possibly can to show the way to greater achievements and the best method of doing that. The hon. Member for the Coast said that the cause of the German and Japanese victories was their fanatical enthusiasms. That is part of the truth. The main reason why they have had these great victories is because, in the years previous to the war, their motto was "Guns and not butter," while the motto of the democratic nations was "Butter and not guns." I think that any of us who were in England during the years before the war and had the temerity to suggest that we should have more guns, was immediately told that we were warmongers. That is the reason why we refused in the past to get ready for this great war, whereas Germany and Japan went all out in every way to achieve that.

The hon. Member for the Coast also stated that he was nervous that this method of Government machinery which existed to-day would throttle the efforts of the new Defence Council. I sincerely trust he is wrong there. The whole object of the new Council is to enable it to get away from the fetters of the Colonial Office system of government which prevents quick action being taken, and I trust that in attaining the objec-

[Lord Francis Scott] five which I think everybody wants—and which I believe you, sir, in appointing this Council wants as much as anybody else—it will get on with the work and not be throttled by this old machinery, which I agree with the hon. member, makes it so impossible for Government to achieve efficiency. I do feel on that, that we very often attack and abuse Government officials and heads of departments and so on for not doing things when, in fact, I believe they wish to do them, but the system prevents it being done. One thing this war has proved, is that this method must be changed. It has been proved in many colonies, and we do not want to wait for it to be proved here; we want to take steps now to see that that does not happen.

Talking of restrictions which militate against the full war effort, it has come to my notice that certain restrictions on buildings in the municipal area of Nairobi have had that effect. One hears of several instances, and only the other day I was informed by a well-known resident in Nairobi that she had offered to convert her spacious stone stables in such a way that they were suitable for the reception of evacuees who might come. This was turned down by the municipal authorities because the stone walls between the stables were only four inches instead of six inches thick, which I believe is the minimum allowed under the regulations. (Laughter.) If that is so, I submit all these sort of restrictions must be brushed aside, and we cannot allow such matters to prevent us getting on and doing all we should do.

An important matter which I trust is being thoroughly considered and no doubt the new council is considering it, is the question of the future industrial development on broad lines, but I wonder whether it has been decided yet whether we are looking at this on a long view basis, or only in a sort of hand to mouth way? It is a most important matter, and one on which a decision must be taken, because if you are going to deal with it on a long-range basis it does mean large sums of money, and it means getting plans ready now so that we can reap the benefit in

the years to come. I should like to know if any information can be given on that point.

The last and final point I wish to take up is one mentioned by the hon. Member for Mombasa, and that is the question of closer union of these territories. In the last ten years, since the time when I was sent home by this colony to oppose the proposals at that time for closer union, owing to the conditions which had been imposed by the then Secretary of State, Lord Passfield, I have given great thought to this. I am quite convinced in my own mind that there is only one right and proper future for these territories in East Africa, and that is that we should all be joined, from the Limpopo to the Nile, in one British East Central African Dominion. This is a matter of big constitutional moment which I do not propose to pursue at this moment, because one does not wish to raise constitutional issues, but I would like to say that I am quite convinced that that is the right line for the future of these territories. I think any such dominion would have to be a federation of two groups, northern and southern groups, because there are certain questions and difficulties which affect these two different groups separately. I should like to say one other thing. I feel that nothing of this sort of thing would militate against the interests of the Indians or natives of these territories. I am quite convinced myself that if one could get a bigger unity such as I visualise, the prosperity of everybody in these territories will increase proportionately. The Indian community are chiefly a trading community, and there is no question that they would be far better off from a material point of view under such a constitution. As for the natives, of course every agreement by any governments with natives must continue with any larger government that may take their place, and their interests must be thoroughly safeguarded in every way; in the same way I agree that the interests of the Indians should also be safeguarded.

I will not pursue with any detail now, but will come to this. One thing the war has shown is the futility of having half a dozen British territories contigu-

[Lord Francis Scott] ous to each other and part of one Empire, all with the same object, of winning this war, with six different Governors, six different councils, and six different everything else, and the time has come when we have got to get rid of any of these artificial barriers towards the full prosecution of the war. We have one general officer—commanding in chief for all these territories, and we should also have one political chief for all these territories too. I do believe that should be done, and I believe it is one way in which we could do much to further increase our full effort towards winning this war which, after all, is vital to the existence of our Empire. I hope I have not raised too much of a political storm over this, because I do not want to go into the politics of it, but I do feel very strongly that we must get rid of this present position without having to ask about half a dozen different territories whether they agree to some obvious thing which must be done for the prosecution of the war. When I say there should be one person to answer for all these territories, I had not in mind a Minister of State. That has been suggested in one or two quarters. That I do not consider is what is required here. Who ever was the person responsible here would, of course, be in the closest touch with the Minister of State, who is in Egypt, but I do not consider there is any need for a Minister of State in these territories, because they are all British, and where you want such a Minister is where he has to deal with foreign territories or other countries and more mixed problems.

With these few remarks I beg to support the motion.

Mr. FAZAN (Provincial Commissioner, Nyanza Province): Your Excellency, I wish to say a word or two about the labour position in my own province, Nyanza. Nothing has been said in this debate suggesting in any way that Nyanza has not pulled its full weight, and it might be said *qui s'excuse, s'accuse*. But there have been in the Press suggestions that Nyanza has in fact fallen short, and one suggestion was that Nyanza attempted to fix wages without reference to Nairobi. I have

risen to-day because it is due to myself and to the officers serving under me that I should say there is no truth in either of these statements. As long ago as July, 1940, I put up a memorandum in which I advocated a form of Labour Corps in two sections, one military and the other in the nature of a land force. That Your Excellency knows of your own knowledge and it is also in the knowledge of the Director of Man Power. Time passed, and we came to the consideration of this assisted labour effort and, somewhat ahead of the instructions to begin that assisted labour, I wrote a circular letter to my district commissioners. I will not insinuate all of it on you, but the first and last paragraphs I think I may be permitted to read:—

"Labour Recruitment

At the recent Provincial Commissioners' meeting the civil labour position was discussed. You will see the minutes in due course. His Excellency presided at the morning session and I understand that he will shortly issue much more definite instructions than have hitherto been issued on the subject of assisting civil labour recruitment. Meanwhile you may take it that the following instructions and programme are in accord with Government's wishes. There is no time for delay and action, to be effective, must be taken, in some cases, even ahead of fully authenticated instructions.

I am relying on all District Commissioners to co-operate. Without wishing to argue upon the matter I will comment shortly on two possible objections which may be in your minds:

(a) You may consider that open conscription would be preferable to "assisted" recruitment. If the shortage were graver than it is, I, personally, agree that conscription would be preferable, but the present shortage only seems to be in the neighbourhood of about 4 per cent. of men employed and conscription would be rather an elaborate solution of what is still a comparatively minor problem probably soluble by means of persuasion.

[Mr. Fazan]

(b) You may have misgivings about recruiting labour for private profit, but the Profits Tax and the controlled price of the products are limiting factors.

In any case there is a war on and my principal concern is to get these troubles solved and out of the way so that we may be ready for whatever call the situation, as it develops, may make on us."

That was my circular letter to district commissioners.

We then came to the appointment of a committee on conscription at which I gave a memorandum, and the gist of what I recommended is in paragraph 6, which is only two sentences long:—

"6. In general I would recommend that conscription be confined at first to the heavy labour industries such as sisal cutting, fuel cutting, saw milling, sugar cane cutting, stevedore work, trunk road and aerodrome work, and underground mining. I believe that the mere existence of conscription for these industries will have the effect of sending to the lighter industries, such as wheat and flax, all the labour they require."

Rightly or wrongly, that was my opinion, and I have no reason to conceal it. I have revealed this because in the papers it was asked that my correspondence on this subject should be published. I would have no objection to its being laid on the table of this Council. I see no reason or sense in quoting further, but I have brought my files to Nairobi and, subject to the consent of the hon. Chief Secretary in any case, I have no objection to any member of this Council seeing these files.

With regard to the other suggestion, that I attempted to fix wages without reference to Nairobi, on the 6th of November last I asked for guidance as to what the wages should be.

The effort which Nyanza was able to produce, in actual men sent to work the number was not greatly in excess of that done by the Central Province. But whereas their contracts were for a month to two months, ours were six to nine, and we did our best. We had great difficul-

ties, as you are aware, sir. The total number of men-tickets which we got by assisted labour directly was 21,000. Parallel with that, I have ascertained from a principal labour recruiting firm in that area that it was a great fillip to the flow of other labour as well. When the war broke out, 82,000 Nyanza natives served on farms and industries in the country, and 1,000 possibly with the military. Now in military and civil work for employers there are 119,000, that is 36,000 more than we had at the beginning of the war. £440,000 worth of produce were exported, as well as food for ourselves. The maize export was 554,000 bags, which is just under half the total which the hon. Member for Nairobi North quoted yesterday of the whole colony. In regard to the military effort, it has been second to none, and I have had golden opinions on the performance of our troops in the field. I am glad to have the opportunity of mentioning that, because I have had more letters on the subject than many people.

I have no more to say except that probably Your Excellency had more occasion to complain of our beating the pistol than of our being slow off the mark. The Council which Your Excellency has now appointed will find, I think, the same characteristic; at all events, they will find the greatest willingness to help, and I can assure you that on the full facts of the case in the province you will find complete readiness not only with the administrative officers but all departmental officers.

Mr. TROUGHTON: Your Excellency, the hon. Member for Kiambu yesterday expressed the view that this Government should not permit the importation of unessentials from the United Kingdom at a time when the people in that country were making sacrifices which we here cannot fully appreciate. Government entirely agrees with those sentiments, but it is not quite so easy in practice, and I would like to mention two points, one of them of small importance and the other of much greater importance, which have affected the policy followed in this matter.

In the first place, it is very difficult to tell sometimes whether a particular article is a luxury or a necessity. I do

[Mr. Troughton]

not know, for example, whether the hon. member would consider a corset a luxury or a necessity, but I can tell you this: that if the Imports Controller refuses an import licence for the importation of corsets on the ground that, in his opinion they are unnecessary, he is flooded with correspondence protesting the other view.

MRS. WATKINS: On a point of explanation, I was talking of chocolates, not corsets. (Laughter.)

Mr. TROUGHTON: I quite appreciate the hon. member was referring to chocolates, but the principle is much the same. In any case, I will talk about chocolates in a minute.

The second and more important factor which has arisen is the wish of the United Kingdom Government itself. To explain this I have to go into back history a little. When imports control was first introduced in November, 1939, it was introduced on the instructions of the United Kingdom Government, but we were told that licences on the United Kingdom could and should be granted freely without any restrictions at all—hence the chocolates! That policy was followed until the end of 1940, when it was slightly modified, but only in regard to foodstuffs, and chocolates were counted as foodstuffs. Then quotas were arranged by the Ministry of Food at home for all colonial dependencies, and the quota applied to such things as chocolates and biscuits. That was the end of 1940, and that policy was followed during the first half of 1941 at the express wish of the United Kingdom Government. Hence chocolates in 1941! But, when the returns for 1942 come out, I very much doubt whether there will be any large importations of chocolates to cavil at. The policy I have explained was continued during the first six months of 1941. What reason the United Kingdom Government had in encouraging those exports to the colonies I do not know. I assume that it was not unconnected with the natural desire of the United Kingdom manufacturers to maintain contact with their export markets. In any event, in the middle of 1941 we were instructed to tighten up and confine our imports as far as possible to

essentials. The East African Governments thereupon put their heads together, and a somewhat drastic list of restrictions was proposed, under which import licences would not be granted for this and that. That list was sent home, and, strangely enough the United Kingdom Government told us we had gone too far, and in consequence it was modified.

But, broadly speaking, the fact is that to-day only import licences for what can be termed to be essentials, or for what are euphemistically called conventional necessities, are allowed. I may say that at this present moment the list which we call the permitted list—that is, the list of goods in respect of which licences to import from the United Kingdom can be granted—is actively under revision, and that considerable further restrictions are likely to be introduced very shortly indeed. In case these remarks may lead any members of the commercial community to import quickly while the going is good, I can assure them that my hon. friend the Commissioner of Customs will not permit any large applications for import licences.

Generally speaking, the days when Imports Control consisted of examining applications with a view to rejecting unessentials, have passed away, and the problem now is the problem raised by the hon. member for Aberdare; that is, to get into the country the essentials which we so badly need to enable us to carry on. Government for its part has the very greatest sympathy with the members of the agricultural community whose productive efforts may be restricted through lack of tractors, through lack of spare parts for tractors, through lack of gear oil, possibly in due course through lack of cattle dip and many other commodities, and it would be idle to assume that the supply position is going to become better—all the indications are that it will become more difficult. The hon. Member for Aberdare did make one constructive suggestion. He did say that, when difficulties were met in securing supplies, Government would be well advised to make representations saying that those supplies were required for urgent production or defence purposes. Well, I am happy to

[Mr. Troughton]

be able to inform the hon. member that that has been the practice for the past two years. For my sins, it has fallen to my personal lot to deal with the matter, and I can assure the hon. member that we have sent several telegrams, as many as five or six, even ten, a day, to various parts of the world asking for assistance in securing the export to this country of this or that and giving in those telegrams the very fullest particulars as to the ultimate use of the commodities and the essentiality of that use to the war effort. I honestly do not think we could have done much more. We have worded those telegrams as strongly as we could.

That brings me to the hon. member's remarks about the Overseas Purchasing Division of the Supplies Boards. The hon. member quite understandably criticised that division. But, in point of fact, his criticism is not justified, because, although it is perfectly true that orders have been placed through that division and that deliveries have not been forthcoming, it is not in any way the fault of the division. This Government did not support the formation of the Overseas Purchasing Division because it felt that such an organisation was a better organisation to obtain supplies than the normal commercial channels which had stood the test of time. The division was formed for quite different reasons. Owing to financial circumstances which I need not go into, it became necessary in respect of purchases from the United States to obtain everything we could under the terms of the United States Lease-Lend Act. There is a certain amount of misapprehension about the terms of that Act. When essential goods are obtained from the United States under the Act, they are lent or leased by the United States Government to the British Government, and the United States Government must be the judge of where it obtains the goods that it lends. If the order to which the hon. member referred was placed in the United States at the beginning of September, and it has not yet been placed with the particular firm of United States suppliers in contact with the agents in this country, that would explain it. If the goods were ordered under the Lease-

Lend Act the United States Government might well have placed the order somewhere else.

There is another fallacy which I think is prevalent, and that is that the United States is a bottomless reservoir of raw materials and manufactured goods of all kinds. That is not the case. Supply difficulties arise in that country as well as everywhere else, and in administering their industries the United States Government must allocate priorities of raw materials and export licences in the manner in which they think will be most useful for the war effort, and it is not for us to say whether they are or are not right in considering that the demand of some other territory, maybe of the United Kingdom itself, should or should not be relegated to a subordinate position to our requirements, essential though they are and badly though we need them. I think that that is possibly putting the gloomiest side of the picture. There is one other factor, and that is that we have received information to the effect that a number of contracts have in fact recently been placed in the United States, and it may be that in the not too distant future we will obtain certain supplies which have been ordered, and which we badly need.

But as regards the future many other factors come in, one of the chief of them being shipping.

Before I sit down, I should like to mention one point, a minor point of detail raised by the hon. Member for Aberdare. He referred to the difficulty in obtaining delivery of certain magnet parts ordered by parcel post. Unfortunately, when imports control had operated for some time, it was quite clear that a great many members of the public were evading the main purpose of the control by ordering goods through parcel post. Parcel post, I may say, had been exempted from the terms of the first import control order. There was nothing for it but to put the matter right and apply imports control in its entirety to parcel post imports. That has led undoubtedly to considerable hardships, but these hardships are, I fear, unavoidable.

MR. BOUWER: Your Excellency, I want to support the points made by the

[Mr. Bouwer]

hon. Member for Trans Nzoia on labour, and to amplify if possible some of those points, because I think that unless some of the difficulties he has raised are removed they may be a deterrent to the full mobilisation of our war effort. The whole purpose of this debate, which has now lasted some considerable time, is to ensure that certain difficulties that we see on this side of Council are brought to the notice of Government, and the debate can only be useful insofar as it results in steps being taken to avoid and remove those difficulties which we think are now acting as a deterrent to the mobilisation of our full war effort.

The two points I want to raise about labour refer only to what is known as labour for light industries, and more particularly to the short-term contracts. It is considered by many farmers to whom I have spoken—and it is an opinion I share—that conditions have been made so difficult and expensive that many farmers who would in the ordinary way avail themselves of conscript labour so as to be able to produce more foodstuffs will find it very difficult to do so in the future. I sincerely trust that after I have made one or two points clearer something will be done to remove the difficulties. One of the points raised by the hon. member was the question of the capitation fee, and I do not think I need enlarge on it further. It is all explained very clearly in the memorandum put up by Trans Nzoia. But the effect is that when one engages conscript labour for a couple of months one is unduly penalised as against persons who get that labour for a longer period.

But the big trouble is contained in two regulations which were made at the time the Defence (African Labour for Essential Undertakings) Regulations were brought out, firstly, the regulation which describes what a registered employer is, and secondly, Regulation 5, which says that one of the duties of the board will be to fix minimum wages for natives employed in any essential undertaking, etc., and that is where the snag comes in, for any native recruited voluntarily by a registered employer is included in

Regulation 5. The effect is that if a farmer who depends on voluntary labour for practically all his work on the farm for ten or 11 months a year and needs conscript labour for at most two months for the harvest period, only employs conscripts, that act will force up wages and costs generally for his labour for the rest of the year. I was on the committee which recommended most of these regulations and, as far as I remember, nothing was ever agreed about that and, moreover, I do not think it was ever the intention that it should be so.

In the past it has been the rule and quite a customary thing that labour is expected to work much harder during harvesting time and more than eight hours a day. It is so in every part of the world. It has also been the custom where this labour works harder for it to be paid better and get better rations. But after the harvest is past the labour goes back to routine duties and is not worked so hard, and goes back to a smaller salary and probably less rations. These regulations will interfere with that system, because once an employer becomes a registered employer he then has to pay the wages and give rations that have been fixed for conscript labour by the Wage Board, and as a general rule the wages and rations for conscript labour have been fixed unnecessarily high. This means that production costs must go up, and the worst point of all and the point the farmer must of necessity consider is, that not only does his production costs go up for the time he employs this labour but permanently, which is diametrically opposed to the system whereby, if labour works hard and for long hours, it is paid more and gets better rations but reverts to less pay and probably smaller rations as soon as shorter hours and less work is expected of it. This point is an important one, and one that has caused much heartburning, and unless rectified is bound to act as a deterrent to extra production.

MR. HARRAGIN: Your Excellency, the hon. member who has just sat down is perfectly right when he calls attention to the fact that practically the only alteration in the regulations which were recommended by the committee over which I had the honour to preside—

[Mr. Harragin]

and of which the hon. member himself was a member—is contained in the words to which he has made reference. The reason why those words were inserted is because it was foreseen that it was probable that there would be immediate trouble on any farm where you had people possibly forced to labour when they did not want to draw more money under better conditions than those who were recruited voluntarily. It was in order to avoid dislocations of those descriptions that these words were put in. It is a matter that only experience will be able to tell us whether it has the ill-effect on labour on farms generally that the hon. member foresees. I personally trust that it will not, but from the point of view of practical politics I think he will be the first to agree that it would be impossible to have labour working side by side drawing different rates of pay and under different conditions. Either one or the other would be dissatisfied. It was therefore felt that if a farmer has to come under this compulsory recruitment it is necessary that all those who work on that farm should work under similar conditions with regard to pay and so on.

The other point was with regard to the capitation fee. As in every other question we discuss, there are two sides to that. The hon. member was speaking on behalf of light labour. I can only tell you this. If anybody should grumble at the capitation fee it is the heavy labour, because in point of fact on the figures that have been presented to me it is more likely it will be the heavy labour who will pay for the extra expense caused by the light labour, than vice versa. It was recognised in committee that if a man cannot pay Sh. 10 for nine tickets he is in a bad way, but in fact when it is worked out it will be found it is the heavy labour paying a little extra for the man who only goes in for two or three tickets. The reason is perfectly obvious to everyone, I am sure, because you spend the same to get the labourer out for light as for heavy labour. He has to be recruited in the same way, the formalities are the same, he passes through the same reception camp, and there is no difference at all as regards the individual native

whether he is going for light or heavy labour.

But I can tell the hon. member this, that I have recently had a meeting of my committee with the provincial commissioners, and we are putting up to you, sir, in the near future, recommendations with regard to the capitation fee which I hope will go a long way to meet the hon. member's difficulties.

This motion, except for the actual wording of one line, I have little to complain of. Hon. members on the other side have been running true to form, true to British form in that they have thought fit to decry everything that has been done by not only those members on this side of Council but by others, and to some extent have praised everything done in other parts of the Empire. But, as I understand, and they have made it perfectly clear in their speeches, their only anxiety is to stimulate further effort, I would like to associate myself with every single word that has fallen from every member on the other side which will help to that end.

There is only one point that I would like to mention with regard to the speech of the hon. Member for Aberdare, and that is his suggestion that you, sir, might be too busy to continue the presidency or chairmanship of the new Council which has just been formed. I personally think that it should be the very last duty that you will have to give up. I know perfectly well, and the hon. member is perfectly right in mentioning it, that you have an enormous amount to do, probably more than should be thrust on any one man, but the success of the Council lies in the fact that we are able to go to you as a body. We all have our difficulties to contend with, and they overlap to a great extent. We are able to put those difficulties before you, we can hear the reaction of other members, their side of the question, and it is then possible for you to make an immediate decision on which the Director in question is able to act. I am sure the hon. member will realise that if there is someone else in the chair, having got that decision he or whoever is interested has then to make an appointment with you and to go through all the arguments again and put forward the whole case, perhaps without success.

[Mr. Harragin]

I suggest that that would, in fact lead to more delay, and I do trust that the hon. member on reflection will suggest even that you should give up the presidency of the Legislative Council rather than the presidency of the Council just formed in order to facilitate the rapidity with which things can be done.

Various points were made by other speakers. For instance, one which has been worrying all of us is the question of evacuees, and another of prisoners of war being made to work. I can assure hon. members of this fact, it is not because there is unwillingness on anybody's part that these people do not work except the unwillingness possibly of the prisoners. We are in close collaboration with the military, who are doing their utmost to assist, but there are enormous difficulties if you are to continue to treat them as prisoners of war. I think it will be realised that at a time like this it is necessary that prisoners should be kept under close observation.

One other point I should like to make, to associate myself with a great deal, practically everything, which the hon. Member for Rift Valley has said this morning. He has touched on the manpower question, and I would like to make this perfectly clear to everyone. As you know, one of my duties is that of Director of Man Power, and as the war varies from one phase to another the demands of production or the Army come first or second as the case may be. All I can say is that the Army authorities have assisted in every possible way to release men that we made really urgent demands for. We know they are short, they know we are, but taking it by and large, though I know it is possible to quote that Mr. Jones or Mr. Smith might be doing something better on his farm than being in the Army, there are difficulties, but I can assure this Council that the Army, as far as I am concerned, are playing the game to the utmost and letting me have as many as they can under existing circumstances.

The other question raised by the noble lord regarding industrial development is, I can assure him, being looked after, and you are being advised, sir, by the

person most capable, or one of the most capable, and here the difficulty is to get the necessary machinery or whatever it may be. It is perfectly true to say that we should take the long-range view, but we are entirely tied by the particular bit of machinery that we are able to get with which to do the work that is contemplated. I cannot pretend that we can do more than obtain what machinery we can from wherever we can, to forward those industries as advised by our expert, and I can assure you it is being actively pursued at the present moment by telegrams and in other ways, at no small cost, so you may rest assured that Government is not holding back the necessary investigation in England or the United States on account of funds.

A point was made earlier by the hon. Member for Mombasa with regard to some section of the Indian community whom he alleged was not co-operating with others in Mombasa. I would like to make this clear. Since you gave me, sir, the various duties you have in regard to man power, I have been in the closest co-operation and consultation with the hon. Indian members, and from first to last I have got every possible assistance from them. They have been the first as a body and individually to urge me to bring in conscription where necessary. Hon. members know that it has been brought in in regard to artisans, and I now have regulations to extend that to clerks, and they will be submitted in due course. I can only say that, from my point of view (I know nothing about the incident in Mombasa, which I trust is only a flash in the pan possibly from a misunderstanding) that so far as I have had to do with the hon. Indian members and indeed with the Indian fraternity generally, I have had every assistance. It is possibly not realised to the full by some people the restrictions that have been placed on Indian clerks and artisans within the last 18 months. The regulations that I administer with regard to reserved occupations must, I am the first to realise it, be very hard and difficult for them to understand. It must seem extremely hard to them that whereas they are getting Sh. 250 a month in one place and are offered Sh. 300 somewhere else, the

[Mr. Harragin]  
Director of Man Power steps in and says they cannot go. It is in things like that I can test co-operation, and I can assure hon. members that on every occasion these matters are referred either to the Indian committee or its secretary or Deputy Director of Indian Man Power, and in every case I think it can be said that his advice has been acted upon by one object, and one object only, and that is to keep a man in the right place doing the right job in order to help the war effort. (Hear, hear.)

Mr. RINSHI (Chief Secretary): I will begin by expressing appreciation of the very moderate tone of the supporters of this motion on the other side of the Council and of the very helpful suggestions which have been put forward. The Government is in full agreement with the object of the motion so far as it relates to the necessity of ensuring that the country's war effort is intensified and magnified to the maximum, but, as the motion is worded at present, it cannot be accepted by the Government.

I do not propose at this stage to follow the excellent example which has been set by the hon. Member for Nairobi North by giving a list of the achievements of Government in the past two and a half years of war, but I am very glad indeed to hear the noble lord, the hon. Member for Rift Valley, and the hon. Member for Nairobi North enjoin upon us the necessity at times of taking stock of what we have done, while ensuring at the same time that we do not become complacent when looking back on our efforts; but rather that we take all possible steps to ensure that our efforts will be intensified to the utmost. And it is in that respect, sir, that I should like to associate Government with this motion; with that part of it Government is in full accord.

Government is under no delusions as regards its shortcomings and omissions in the past two and a half years; it could hardly be so in view of the criticisms which it has received during that period. At the same time the object of the Government has been throughout that period to pursue consistently, persistently and energetically a war policy

directed to making sure that this country pulls its weight to the greatest possible extent, and it is the intention of Government to carry on that policy consistently, persistently and energetically now and in the future. The debate will serve a useful purpose if it makes clear to all people in Kenya that this Council considers that the present time is certainly one in which everyone should concentrate on intensification of the war effort. We are all inclined, I think, in our spirit of helpfulness, to begin our criticism at the other man's war effort instead of beginning it at our own, and I suggest that it would be very useful indeed if this debate showed that we should all begin to see where each one of us—not only in this Council but throughout the Colony—is able to improve his own war effort and then go on to help others to improve theirs.

As the noble lord the hon. Member for Rift Valley has pointed out, there is not one of us here who is really pulling his or her weight to the maximum. In reply to the hon. Member for the Coast as to whether I am satisfied that heads of departments are doing all they can, the answer is "No," because not one of us is doing all that we possibly can, but what we all are endeavouring to do is to help as far as we can to further the successful prosecution of the war.

There are one or two points to which I might refer individually. My hon. and learned friend the Attorney-General has already referred to prisoners of war. There are perhaps one or two details which I might give there. Hon. members may or may not be aware that at the present time some 6,000 prisoners of war are employed in or out of camps. For the past 15 months Government has been consistently trying to secure the greatest use of prisoners of war in this country. It is realised, as all hon. members realise, that it would be a tragedy if this great body of men now in the country were not made use of. But, as hon. members are aware, it is one thing to desire to make use of this body of men; it is another thing to make use of them. The hon. Member for Aberdare has asked whether we could not use them for production purposes and

[Mr. Rennie]  
for soil conservation schemes, water schemes, and so on, and the answer is that a committee, which is under the chairmanship of an hon. member of this Council, is going into all these schemes at the present time. It has had to turn down what appeared to be one of the most productive schemes for security reasons, as the actual site of that scheme was questioned by the military authorities. A sub-committee of the principal committee is now going into the question whether it would be possible to find another area in which thousands of prisoners of war could be employed for production purposes. The committee has also been considering whether prisoners of war can be used for tsetse fly clearing-up in Subukia, and I hope that success will attend its efforts in that direction. The question of clearing swamps, such as the Rupuruti Swamp, has also been taken up and there again, subject to medical conditions and certain other points, I hope that success will be secured. If I may make a suggestion to the hon. member it is that if he has any particular projects in mind, he might submit them to the chairman of that committee, which has shown it is only too anxious to consider very carefully all schemes put before it. I will give him the name of the chairman later if he is not already aware of it.

On the question of the nuns at Nyeri, perhaps the hon. member can tell me later where he contemplates housing these nuns if they are moved. It is one thing to move them out of the mission at Nyeri; it is another thing to find them accommodation elsewhere, but I will look into the matter if he can give me his suggestions on that point.

On the question of labour, he suggested that every effort should be made to intensify the message put across by Your Excellency in your recent broadcast. I am happy to be able to assure the hon. member that before Your Excellency's broadcast, a circular had been sent out to both administrative officers and labour officers conveying what really was the gist of Your Excellency's message, and the labour officers and administrative officers have both been asked to put across this idea of an

honest day's work by everyone in furtherance of the war effort.

The question of import-licences and local industries has been dealt with by other speakers, and I would just make a few remarks about the suggestions made by the hon. Member for Kiambu. I have taken up with the hon. Director of Public Works her suggestion about a certain type of wall for native buildings. I have been told by him—and I gather he is a learned historian—that that particular type of construction was used by Balbus when he made an attempt to keep the Scots out of England. (Laughter.) Whether that type of construction would be more successful as a method of erecting walls for native housing is a matter for my hon. friend, but he has assured me that he will bear it in mind when native housing in Nairobi is under consideration.

As regards the remarks of the hon. Member for the Coast, I should like to associate myself with the congratulations which have been showered upon him on the success of his recent efforts to harness his hitherto untapped resources to the war effort. The question which he has asked about heads of departments is one which I feel we should all ask ourselves at the present time, but, as I have said, the answer is very decidedly in the negative so far as we are all concerned, and if this debate serves, as I have already said, to indicate to all in Kenya that this Council considers that we have all a very long way to go before we can be said to be pulling our weight to the maximum, it will have served a very useful purpose. Government, as I have already said, associates itself wholeheartedly with the object of this motion so far as it relates to the intensification of the war effort.

Mr. WRIGHT: Your Excellency, the very kindly, disarming and reassuring speech by the hon. Chief Secretary renders any lengthy reply from me quite unnecessary. Indeed, the only discordant note in this debate to me has been that of Mr. Isher-Dass who characterized the debate as a waste of time. Thinking down the days we have sat on this Council together, I cannot but reflect that the hon. member who has characterized this debate as a waste of time has a singu-

[Mr. Wright] larly unretentive memory in respect of some of his more vocal efforts on this Council. (Laughter.) That may be why he failed to challenge me on any particular issue, even when I spoke of producer gas. (Laughter.)

There are a few points I would touch on, and the first is the speech by the hon. Provincial Commissioner for Nyanza. When he in considerable detail read his memoranda to his junior officers one could not but reflect why such reasons and excuses are necessary to those junior officers, and why, indeed, should not the hon. Provincial Commissioner tell those junior officers exactly what they are to do and expect from them the utmost loyalty in the prosecution of Government orders.

I was particularly taken with the charming speech from the hon. Acting Financial Secretary whom we welcome, and I cannot help feeling that his delaying action was magnificent on behalf of the Imports Control and the Overseas Purchasing Division. He did, however, make great capital out of the fact that considerable, and indeed, large orders for agricultural machinery have been placed, presumably by Government, but he will not take it amiss if I suggest that it was only by the utmost pressure, or a good deal of coercion, on the part of the Production Board, notably by their chairman, that that £250,000 of agricultural machinery, badly required in Kenya, has been pressed for and has been cabled for; and that without much pressure or approval, if at all, from the Overseas Department.

I am particularly glad that Government associates itself with the second part of the motion. It is obvious and natural that Government could not very well concede acceptance of that critical portion which preceded it. But the meat of the whole issue was the endeavour on the part of members on this side of Council to urge Government to do everything humanly possible in the mobilization of all resources of the country, human, agricultural and industrial—regardless of what they are, for the prosecution of the war. The very ready acceptance by Government of that part of the motion renders it un-

necessary for me to do more than seek, with the approval of my seconder, the consent of this Council to withdraw the motion. I thank you, Sir.

The motion was by leave of Council withdrawn.

## LAND TENURE COMMITTEE REPORT

### MAJORITY RECOMMENDATIONS

MR. WRIGHT: Your Excellency, I beg to move: That this Council urges Government forthwith to implement the Majority Report of the Land Tenure Committee.

The subject matter of this debate arises from the report of the Land Tenure Committee, which was appointed in September, 1939, and reported in September last year, 1941. Twenty years ago a Land Tenure Commission was appointed by Government and reported substantially the same as that of the findings of the Majority Report in this instance. During all those years, ever since British settlers were invited by the British Government to come out here and work in the development of this fair Colony, there has been a demand, a very natural demand, on the part of those British people for a better security of title than the archaic system which has prevailed hitherto. There is no need to labour the present disabilities under the present laws, but the fact that rentals are subject to revision every 30 years is one of the most serious disabilities, and not the least of the problems affecting that condition is that, so far as the United Kingdom is concerned, it is practically impossible to secure trust funds for investment in land in this Colony. The Minority Report has recognized that, and in the alternative has put up a scheme in a case which is eminently fair. But, with the approval of my colleagues, I seek to plead for the clear, inheritable title which we have long looked on as the rightful title by settlers here and elsewhere in the British Empire whose work, indeed, has built up the British Empire.

The arguments adduced against the grant of a freehold title invariably seem to be in these words: "Why grant a title whereby an individual landowner

[Mr. Wright] will have powers virtually of destruction and there will be no safeguards that the land shall be maintained?" The hon. Director of Agriculture will tell you at once that there is no differentiation in respect of freehold and leasehold titles to-day, and that under the powers he holds he can apply very strict conditions as to soil and water conservation and the rest. But the effect on the individual is entirely different from that upon the State. The State is invariably a bad landlord, if not actually a rapacious one, and I cannot imagine a worse landlord than this Government of Kenya, because it changes, it is for ever changing, its personnel are moved, and they use this as a rung in the promotion ladder to other spheres, they are dominated by a policy at home which in turns veers with every political wind at elections. I suggest that individual tenure is always much more beneficial to the land and that pride of ownership is one of the great things which all British people have aimed to have. That point of view is not accepted on the part of Government because of some strange theories in respect of Henry George enunciated a century ago and since cancelled out by the results of land tenure under which settlers in this Colony should be penalized.

Contrast the position of British colonists with those in Italian territory. Through the dictatorship of the Mussolini State people were put in their own homes on their own land ready with every creature comfort that the mind of a dictator could devise with, indeed, sufficient food to keep them for the initial period until they could grow their own crops. Contrast that with the position of people who, under invitation from the British Government before the last war, and those who subsequently have come out, risk their own capital, undergo considerable hardships, find markets—and arising out of those markets the wealth of Kenya has been considerably enhanced—take risks no British Government would ever dream of in respect of importing stock and experimenting with different crops. And, when they make good; it is suggested that they should not have a title to the land. I suggest that that could not very well be a fair answer to give to-day.

It is perhaps inevitable that the charge should now be made that this in particular is an inopportune time to raise this issue and that, in fact, our intense pre-occupation to win the war should be our only concern. That is a fair argument in a sense, but this issue has prevailed and been debated in this country in all the years I have been in it, now 31 years. Questions have been asked repeatedly. Those who are now fighting in the Forces who are settlers in Kenya are as much interested in this vital issue as we who are too old to serve, and I think that their claim is also ours to that clear inheritable title whereby they shall feel that the land can pass on to their own children and their children's children, a title which I suggest ought to be recognised without any further delay, and the fact that this pressure has been applied on Government for so long cannot but be a justification for Government giving wise consideration to the issue to-day, and settling the point on which the Majority report has disclosed its opinion.

I beg to move.

COL. MODERA (Nairobi South) seconded.

COL. KIRKWOOD: Your Excellency, I rise to support the motion, and I agree with every word said by the hon. mover, and only wish that I had the power of making a speech in this Council which would move Council to grant the object of the motion. I maintain that a freehold title is the only title that is a real security to the holder. Other reasons could be given which I do not intend to pursue, but one who like myself has a love for the land naturally desires a freehold. I think that is compatible with the English character, it is inherent in the home-builder, the family man who wants to be the owner of his own little castle which will probably take a lifetime to build. I have one small farm in my district, 160 acres, and it has cost me a small fortune what with fencing, putting in plantations, putting in orchards, vegetable gardens, two dams, a dam, cow sheds, pastures, and so on; the expenditure never seems to stop. I turned it into a dairy farm, and the expense is still piling up. If one saw

[Col. Kirkwood]

the capital charges against it they would say: "Why not go in for something else?" But I love the farm and the land. I have created what I in my mind's eye called a picture of something to be desired where one can retire to and be happy, with everything you look at you have created yourself. That is my mentality to leasehold versus a free title.

In New Zealand it is all freehold title, and it is the principle as far as I know right throughout the Empire. In New Zealand, when they found that the development of the colony needed something else, what they did was to give you an option when you took up a grant of land on a leasehold of 35 years to freehold it during that lease. The object of that was to show you as the owner of the farm and land to put your capital into improvements and production, and to give you a lease of not less than 35 years which would enable you, or should do, to get well on the way to taking up the freehold clause at the end of the lease. Those laws, I think, are the finest land laws in the whole of the British Empire; they are the most advanced land laws. I do not intend to go into detail further on making that statement, but if anybody challenges that I will give them details outside the Council. New Zealand has the most advanced land laws in the world, and they encourage freeholding by granting the leasehold first to enable a man to create a farm whereby he can make that property his own. I also understand, and I think the hon. and learned Attorney-General will agree with me, that even in freehold the land is up to a point vested in the King, and that although I may have a freehold title it does not prevent the Crown under various methods taking that land from me for national purposes and so on.

I heartily support the motion, and hope the other speakers—there is one behind me—will elucidate the matter beyond my powers of speech, and I hope that I shall enjoy the speech of that particular member if he will rise to the occasion and put forward his views on this question.

MRS. WATKINS: Your Excellency, it is our boast, as a nation that we have no written constitution, and that this has lent a flexibility to our constitution which has enabled us to be at once the model and the foundation of our country's daughter nations. And when we deal with land tenure we are pruning the very root of our prosperity or otherwise of the land in which we live, or in fact of any land within the British Empire.

I want if I may to jettison the word freehold, because when learned people talk to me about it I do not think it means the same to them as it does to me. Freehold, as I understand it, means that you are free to do what you like with your property, and quite rightly the Crown steps in and says it has first right and the first interest over that land, that it must retain the right to do what it thinks best for the whole community. If we jettison the word freehold I can wholeheartedly support any tenure, whether you call it freehold or not, that allows the Crown to ensure that the land is well and properly used, and used to the best advantage of the whole community. For agricultural reasons I see no reason at all why we should not have freehold as far as we can have it with those rights reserved in the Crown, but when it comes to townships, the townships of this country, I maintain that it is very nearly a crime to grant freehold, because we cannot any of us see in which direction the townships are going to develop. It means that people who happen to have wealth in this generation can buy up a deal of land and their heirs can hold up such things as road widening, slum clearances, different lay-out, and so forth, and unless Government pays an enormous sum of money it is held up for an incalculable time. I think that if you grant freehold in towns you are supporting a private right to do a public wrong and, individualistic though I am sometimes called, that is not a possible line for Government to take.

I find myself with great surprise on the same side as the hon. Commissioner for Lands and Settlement and the secretary of the Land Bank, Mr. Thornton, and am in wholehearted support of the

[Mrs. Watkins]

Minority report. More particularly do I think that in this case one fundamental thing in British justice and administration has been overlooked. However just we are, however broadminded, we are never allowed to sit in judgment on our own case, never, and when you have a committee of this sort you are asking men to give their judgment, and, as far as I can see, the whole of the people who have signed the Majority report are people, "interested people," whom I greatly respect, whose work is of enormous value, but they are landowners of the country as I am in a small way, and some are the land agents of this colony. I maintain that we ought to have the majority of people who have nothing to do with landed interests when we have a committee of that sort. I think it is a fundamental principle. I should be very sorry to see out here, or that my children should see the development or improvement of townships held up because of the vested interests of freehold landowners, who might hold out for enormous prices when the majority of people need the Government control of that land. I think it would be disastrous, and I hope Your Excellency will postpone this because I think the men who will be affected are away at the front, and I think if we elder people decided these things while they are away it is hardly fair. I should like to see the younger men settle all these questions and decide what they want to do with the future. It is theirs, not ours.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I am in a somewhat invidious position, because at a meeting of the European elected members which I only partially attended, I did agree to second this motion before, I am ashamed to say, I had read the report. Having read the report, which I did the same evening, I then told my hon. friend who has proposed the motion that I was afraid that not only was I not able to second it but would have to oppose it, which he took in very good part.

The whole question of land tenure is a very complicated issue, and one of fundamental importance to the future

of this country. Although I do not agree with the Majority report, I would like—and I feel sure I shall have great support—to congratulate those who drew up this report. It provides a fund of knowledge and a fund of information which I certainly was not in possession of before I read it. I think it is an extremely well got-up document, and it is only because it happens to appear under existing conditions that it has not had a great deal more publicity given to it and aroused a great deal more discussion.

In discussing this motion, I should like first of all to deal with agricultural land. Of our agricultural land—subject to correction by the hon. Commissioner for Lands and Settlement, who will no doubt be speaking later—I believe we have already alienated some seven million acres in the Highlands and 700,000 acres only remain unalienated. Of that seven millions, about 500,000 acres are freehold, three million acres are held on 999-year leases (that is, with revisable rentals), and 3,500,000 acres are still held on 99-year leases, which are at lesser rentals and have no revisable conditions.

First of all, naturally I entirely disapprove of accepting any scheme which expects people who come out here to make their homes and build up farms to do so on 99 years' lease. That, of course, is ludicrous. But when it comes to differentiating between a 999 years' lease and what is termed "freehold title" or a "Crown grant," which are not quite the same things let me tell you, I think one has got to think rather carefully. I do hold very strong views to the effect that Government must be able to make certain conditions as regards land in the country, and although it is alleged that such conditions can be imposed and enforced by means of special *ad hoc* legislation in respect of freehold titles I am not satisfied that that is in fact the case; whereas if you have a 999 years' leasehold—which, after all, means that to anybody whose lease was now falling in that lease would have been given 120 years before William the Conqueror landed in England—I think you can impose conditions and at the same time give something pretty



[Major Cavendish-Bentinck] nearly approaching a freehold. But whether we can with safety give "freehold" or "Crown grants" or 999 years' leases is a matter which I think could be better discussed when we have more time to do it, after the war. If freeholds can be given as regards agricultural user, agricultural land, I would be quite prepared to give my support if I am satisfied that such will give the State the necessary powers of control.

When it comes to revision of rentals, I wholeheartedly support both the Majority and Minority members on this committee. I consider that the whole system of revisable rentals should once and for all be abolished. That is the greatest stumbling block to people coming out here and taking up land; and, incidentally, one might add that the first revisions are due to take place in some of the earliest leases under the 1915 ordinance in 1945, which is only three years hence, and from then on there will be revisions of rentals continuously. War or no war, I am convinced that Government would be doing a real service to this country if it would make up its mind here and now and make a recommendation or take a decision that the system of revisable rentals should be abolished. It might be asked, why is so much land still held on 99 years' leases when those who hold land under such 99 years' leases under the 1902 ordinance have the right to transfer to the 1915 ordinance conditions of 999 years. The answer is this. By transferring they have to pay a higher rental and they come under this revision system. Again I would stress that I cannot believe that it is for the good of the country, and I do suggest that such revisions be abrogated and that everybody throughout the country be enabled on reasonable terms to change their 99 years' title to a 999 years' lease, and that after the war when we have more time to go into the matter—and more time to consider the complications which arise out of land which is being held for speculation and which is not being developed—that the question of an undeveloped land tax might be considered in conjunction with the possibility of giving freehold titles. I am not against a freehold title. I want to be assured

that the State can be given adequate control in matters which, perhaps, cannot be dealt with by special *ad hoc* legislation, but I do recommend the immediate abolition of revision of rentals.

So much for agricultural land. When it comes to urban, I understand the proposal in the committee's report is that there should be a commutation to 999 years with fairly easy means to acquire freehold title. I know that Nairobi Chamber of Commerce have expressed the opinion that these proposals are wise. I, however, as an individual express the opinion that I think they are not wise, and I am not prepared to support them. Our little townships are very embryonic, they are only just beginning their lives, they want a considerable amount of change and knocking into shape before we have anything in this country of which we can be proud. At the present time horrid slums have grown up around most of these townships, land has very often come into people's hands for very low sums indeed. I believe there are plots worth anything from £2-6,000 now paying rentals of only £2 a year. Is it seriously proposed that these people should be allowed to convert their title to this slum property, to 999 years and for 20 years' payment of a rental of £2 a year, about £40 to freehold for all time?

I think it would be entirely wrong. We must also reserve the right to alter our townships, have proper township building plans, and generally to exercise control. I quite appreciate the position of those who have put up expensive buildings on short-term leaseholds of the site, but they knew what they were doing at the time, and I am quite convinced that all members on this side of Council, and no doubt to some extent Government, would when the time comes be prepared to give those people every possible chance of renewing their leases on reasonable terms, but I am not prepared in the interests of the few to suggest abrogating our right to control the growth of townships in the interests of posterity.

Lastly, I should like to add one word. I know that this report deals only with Indian-owned and European-owned

[Major Cavendish-Bentinck] land. But it is called a "Land Tenure Report." One aspect of land tenure remains and it is highly unsatisfactory. I know it is a bee in my bonnet, but I cannot resist the opportunity of repeating that Government is going over a precipice at present in regard to native land tenure because it will not face the situation.

MR. COOKE: Your Excellency, I did not intend to rise, but after the bomb-shell dropped—certainly on me and possibly other members on this side of Council—I feel inclined to say that if the hon. member had not assured us that he had not read the report I should have regarded his action now as one of the greatest *volte face* in the history of politics in this country. I have read the report, and have consulted, or talked to him, the hon. Commissioner for Lands and Settlement, and I agree with the majority report. The only criticism I personally make is that possibly it is untimely to bring the matter up at the moment. My hon. friend the Chief Secretary made a personal attack on me this morning and the hon. Member for Nairobi North yesterday. I shall deal with that in a manner which will possibly surprise them, in a day or two. At any rate, I congratulate myself that I am not one of those whose opinions vary as the winds.

MR. MORTIMER: Your Excellency, I first of all wish on behalf of the Committee and its Secretary to express thanks to the hon. Member for Nairobi North for the appreciative words he has said about the general contents of the report, but I am sure I should be speaking on behalf of the remainder of the committee when I pass on the bulk of that thanks to the secretary, Mr. Robbins, to whose work we owe those very valuable appendices contained in the report. (Hear, hear.)

It has been said in the course of the debate, quite truly, that this Land Tenure Report deals with subjects of major importance to this Colony and to every member of it, of whatever colour or race. Its recommendations are far-reaching in their implications. As the subject is not immediately connected with the war effort, Government would have pre-

ferred to have considered it at any other time than the present, when the thought and energies of all in authority are, or at any rate should be, concentrated on the one urgent and all-important task.

It is interesting to note the differences of opinion reflected in the speeches from the other side of the Council Chamber, and I am sure that those differences of opinion reflect the wide divergence of view that is held by responsible and thoughtful people throughout the Colony. In view, however, of the fact that the statutory date for the revision of agricultural rents, 1945, is now not very far distant, Government has given some consideration to the report and its recommendations.

In order to indicate the results thus far achieved I must bring under review the main points of the report. The recommendations fall rather naturally into two parts; the first dealing with agricultural land titles and the second with township leases.

Turning first to the agricultural section, the committee unanimously recommended the abolition of the revisable rent system, on which I will speak in more detail later. Dependent upon that is the further recommendation that lessees should be given the option of redeeming all non-revisable rents on 20-years' purchase. This recommendation applies both to farming and urban lands, but could only be applied to the former if the rent revision system were abolished and rents were fixed for the whole of the remainder of the term. On this point also I will return a little later. A further major recommendation on agricultural leases is that all lessees be given the option, on fulfillment of certain development conditions, of obtaining a freehold title. Hon. members will of course have seen (I am referring to hon. members who have read the report) (laughter) that the minority note attached to the report was signed by myself as chairman and by Mr. Thornton. I am authorized to say, Sir, that Government is unable to support the majority recommendations for a variety of reasons, some of which were stated in the minority note.

The members of the committee in signing the report accepted the statement of guiding principle set forth in

[Mr. Mortimer]

paragraph 6 of the report. I will quote it in full as I regard it as of fundamental importance:—

"We have been guided in framing our recommendations by the view, which we strongly hold, that the welfare of the land must be the primary consideration, rather than any immediate financial or other advantage that might accrue to the present holders of the land. Any system of land tenure would be unsatisfactory which permitted unrestricted transfer and unrestricted use or misuse of the land."

That, if I may say so, is an admirable statement of the fundamental principle which should govern all land policy in all countries and at all times. It is because the Government feels that the freeholding of land titles would be a departure from that principle that the proposal cannot be accepted.

During the hearing of evidence by the committee it was apparent that the demand for freehold titles is by no means unanimous amongst farmers. There were many who expressed the view that they were quite satisfied with long leases on fixed rentals, and when you get down to the fundamentals of the question it seems quite clear that the demand for freehold has not really very much to support it, apart from a sentimental attachment to freehold, which is somewhat characteristic of the British race. The very name of freehold has a comfortable sound about it and so attracts even by its own title. I am satisfied, however, that the main objection to the existing agricultural titles is to the revisable rent system, and not to leasehold as such, and that if this system were abolished all that could reasonably be desired in security of title would have been achieved. We are already committed in this Colony, and have been since 1915, to a policy of 999 years leases for agricultural land. Holders of leases for 99 years under the Crown Lands Ordinance, 1902, possess what is virtually the option to exchange their titles for 999-years leases, subject to a time limit which has not yet been imposed. It has already been said in the course of the debate that not many lessees have taken advantage of that option, and the

reason, I am convinced, is that by so doing they would bring themselves under the revisable rent clauses of the 1915 Crown Lands Ordinance. Figures given by the hon. Member for Nairobi North as to the acreage of land already alienated and the proportions under the different Crown Lands systems are quite correct, seven million acres have been alienated and there is only about 700,000 still left. Therefore, 10/11ths of the available land has already gone and on what, in fact, amounts to 999-year leases, and the remaining 1/11th need therefore be no exception. It should be remembered, therefore, that when we are talking about the terms of land tenure, we are for the most part speaking of land already in private ownership and not land which remains in the hands of the Crown for alienation to new settlers.

Now the demand for security of title is a quite natural one and it is, I submit, very amply met by a 999-years lease. That is a very long period and practically amounts to a lease in perpetuity. It is an interesting reflection, as the hon. Member for Nairobi North pointed out, that had William the Conqueror when he first entered England in 1066 (I think I have got the date right) (laughter) introduced a Soldier Settlement Scheme for his legionaries and had given them 999-years leases, they would still have 120 years to run—and that is surely long enough to satisfy any reasonable settler. (Laughter.) On the ground of security of tenure therefore I submit that the demand for freehold title has no justification. To go a little deeper: I am confirmed in my view—and nothing I have heard this morning has in any way altered that view—that land ownership, or the right to the occupation of land, is a trust and that the trustee should be required from time to time to give an account of his stewardship.

The hon. mover in a debate on another subject yesterday referred to an American slogan: "Every ounce of rubber is a solemn trust". If he will allow me, I will adapt that to my own purpose thus: "Every acre of land is a solemn trust". (Hear, hear.)

[Mr. Mortimer]

The relationship of the Government to the land should be strengthened rather than weakened. Government has been described as being a bad landlord in the past. It may have been, but it ought to be a very much better landlord than ever it has been and I hope that the future will bring evidence of repentance in its relationship to the land. The right use of the land and the prevention of its abuse should be a matter of urgent and constant concern to the Government. It was stated in paragraph 8 of the report that the committee was unanimous in holding the view that the functions of the State in preventing the land from misuse can best be carried out by *ad hoc* legislation, such as the Land and Water Preservation Ordinance, which would be applicable to all land, whether leasehold or freehold, held by whatever race, European, Indian or African. But the maintenance of that essential control over the land which is a paramount necessity for the wellbeing of the Colony can, I am sure, be best secured by a leasehold system where the State still maintains its rights over the land. The maintenance of development is a matter of the greatest importance, and I cannot subscribe to the comfortable doctrine set forth in the Land Tenure Report of 20 years ago that economic pressure will be such as to ensure that when land is freehold, development will be maintained at its highest level. That statement of theory is not borne out by the facts of experience in this Colony.

It would be possible, of course, as explained in Appendix 4 of the report, to introduce a system of conditional freehold but that, as the hon. Member for Kiambu has pointed out—and by the way I would like to welcome her comradeship on this subject at any rate—would run counter to the popular conception of freehold, which is the absolute ownership of land free of all restrictions and conditions, and would, to that extent, be a misleading title. Further, and more important, positive conditions do not run with a freehold title. Beyond the immediate acceptor of those conditions only negative conditions can be imposed to run with the title, and I maintain that no adequate land policy can be built up on a series of "Thou

shalt nots", however long the series may be. There is another point to which Government attaches importance, and that is with reference to what is known as "Change of User". It is held that when land increases in value by reason of its use for purposes other than that for which it was granted, the State, as representing the community, has the right to step in and share in that enhanced value, and that share can best be obtained by means of increased rent under a leasehold system, and that is a principle which should not, in my opinion, be lightly abandoned.

It has been said from time to time that this Colony would be placed in an unfair position in comparison with other territories unless it could offer freehold title to prospective settlers. I do not think there is much force in this argument, particularly if it becomes possible to offer a 999-years lease on a fixed rental with an option of redeeming that rental for cash payments. I am sure there are many other considerations which are of far greater importance in the mind of a prospective settler than the precise kind of title he is going to obtain, so long as the conditions are not onerous. For these reasons Government is unable to accept the majority report on this particular point.

The second part into which I have for convenience divided the report deals with urban titles, and it has for its major recommendation that township leases which are at present restricted by law to 99 years on non-revisable rents shall, by a stroke of the pen, be converted to 999-years leases, and that the lessees shall have an option to freehold that title on payment of 20 years purchase of the rent. For reasons explained in the minority note and for other reasons, Government again is unable to accept this recommendation. There are major differences between agricultural and township lands which justify different terms of tenure. Many township leases, as the hon. Member for Nairobi North has said, are on very low rentals, rentals which bear no relation whatever to the present-day value of the land. The demand that titles to such plots be granted for ever merely on payment of the few pounds that would be required

[Mr. Mortimer]  
for a 20-year purchase of the rent seems to me a preposterous idea and not at all in keeping with the conception of the State's responsibility to future generations. Further, township plots should be part of ordered development plans for the proper safeguarding of the health and wellbeing of the town's citizens, present and future. As the years pass the whole conception of town planning may completely change. New forms of transport, new designs for buildings, new social customs, may bring radical changes in their train. We have many examples in the home land of old towns and cities which are in urgent need of street widenings, open spaces and slum clearance, and other improvements, but the authorities cannot carry these improvements out without colossal expense because of the existing freehold titles. Why should we make a fatal mistake of this kind in this young and developing Colony of ours? Why should we not profit by the lessons which stand out so plainly on the pages of town planning history elsewhere? Government and municipal authorities should be able to look forward to a time in the not too distant future when leases will fall in and replanning can be done nearer to the heart's desire.

I recognize the full force of the argument that as leases are drawing to a close buildings will tend to become dilapidated and will not be maintained at their present standard. In order to allay any feelings of doubt in the minds of lessees I consider that when leases have reached a point where they will have about 40 years to run, Government should declare its policy of granting renewals of those leases to the holders on the expiration of the original term, and should state as precisely as may be on what terms and conditions these leases can be renewed. As the oldest Kenya township leases for 99 years still have about 60 years to run, that question is not one which should cause any anxiety for many years to come. x

Turning again to the committee's recommendations on agricultural leases, I will refer in a little more detail to the proposal for the abolition of the revisable rent system. The theory on

which this system rests is that the community, through the Government, has the right to share in the increased value of the land created by the efforts of the community, as distinct from the efforts of the individual landholders. This system has been in force in Kenya since 1911. The present scheme has been in force since the Crown Lands Ordinance, 1915, was enacted, and it prescribes that rents shall be revised every 30 years, beginning with 1945, and that the revision shall be based on a rising percentage of the unimproved land values. As the revision is to be based on unimproved land values, it may be argued, I think quite reasonably, that there can be no possible hardship on the lessees or mortgagees, because any increase in rent is, merely a mild reflection of an increase in land values which will benefit the lessee or the mortgagee, an increase in land value which has been created by the efforts of others and not by the landholder himself. On these lines the theory appears to be sound enough and worthy of the support of all public-spirited people. There is no doubt, however, that this system has been the subject of keener criticism than any other section of the Kenya land laws. The objections expressed to the committee by those who gave evidence were: first, the feeling of uncertainty which the revisable rent system caused them. They did not know, particularly as 1945 was so nearly approaching, what demands they were going to be faced with when the time of revision came. The second objection was that they strongly objected to the idea of being taxed on their own enterprise. Although in theory it is the unimproved value that is being taxed, the question is, not unnaturally, asked, who has created that unimproved value but the farmers themselves who by their efforts, by their enterprise, by their mistakes and by their expenditure, have proved what could or could not be produced on the land? A third and grave objection was the impracticability of arriving at a fair assessment of the prairie value of highly developed farms.

The committee, after giving full weight to all the arguments on both sides, expressed the opinion that there was less substance in the demand of the State, by means of a direct levy, in

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the unearned increment attached to agricultural land than had sometimes been assumed. The State derives benefit from increased agricultural land values in many other ways. In the opinion of the committee it would be an expensive and complicated task to assess for purposes of rent revision the unimproved value, of all farms held under the Crown Lands Ordinance, and the results would not justify the undertaking. Now, although the committee was divided on this question of freehold versus 999 years lease, that is on the precise form that the title should take, all members were anxious that this division of opinion should not be allowed to prejudice consideration of what they stressed as the major point, the abolition of revisable rents.

Another ground of objection to the leasehold system as at present in force is that British trust funds cannot be invested in Kenya leases. In order to get over that difficulty, a system of commutation of rents was proposed whereby, for practical purposes, no rent at all would be payable and so the legal objection to the investment of British trust funds would be removed.

The remainder of the recommendations are of a minor character and stand or fall with the major proposals. I will not therefore refer to them in detail. I have already said that the Government would have preferred to deal with an important matter of this kind at a time other than the present. I am nevertheless authorized by Your Excellency to say that on these two matters of the abolition of revisable rents on agricultural leases and the commutation of rents for cash payments, the Government has been impressed by the arguments put forward in the report and proposes at an early date to make representations to the Secretary of State on these subjects. In view of the explanations I have already given, it will be clear that the Government is unable to support the resolution now before the Council.

COL. GROGAN: Sir, I congratulate the hon. member opposite in having made it impossible for me to rely upon the indulgence of the Council for the two or three hours necessary to refute the

fallacies that appear in his argument. The urgency of this matter has been questioned. Of course it is a rather serious matter to impose such a complex subject as this upon Council in the middle of a war. The hon. Commissioner of Lands and Settlement has already pointed out that it is in fact an urgent matter, because by 1945 the Government is bound to put to the test the fundamental fallacies that underlay the whole of the hon. member's arguments. In other words, it is faced with the problem, at short notice now, of deciding what "unimproved value" is, and as my hon. friend agreed, "unimproved value", when it comes to the acid test of trying to put a money figure on it is found to be, what many of us have known for years, all bunkum. There is no such thing as unimproved value, because all values of land, whether urban or agricultural, are quite clearly created by the people handling it, and although there may be contributions to that value by secondary parties you have always to remember that none of the secondary parties would ever have existed in the country at all if it had not been for the efforts of the people who do in fact operate the land.

The hon. gentleman opposite has had the temerity to say that Government refuses to accept the recommendations of the only people in the whole committee who ever had anything to do with the working of the land, that they are not prepared to accept their recommendations but are prepared to accept the minority recommendations of two gentlemen whose living and functions depend on the existence of this preposterous system neither of whom have ever looked at a bit of land except out of the window of their offices. (Laughter.) The hon. Member for Kilambu was rather inclined to agree with the hon. Commissioner. I am quite certain that the hon. member is quite capable of understanding the report if she had read it, and I am therefore forced to the conclusion that she has not read the report. She talks about the necessity of having a leasehold system which by some obscure method that I have never been able to understand, facilitates the resumption of land for road widening. I think that was the specific example given.

[Col. Grogan]

It struck me rather peculiar, because two or three minutes before I had been reading the minutes of the last Central Roads and Traffic Board meeting, where Minute No. 296 reads: "The Board considered a memorandum prepared by the Commissioner for Local Government"—who I think is the hon. member opposite—"in respect of an application by the Mombasa Municipal Board for the provision of funds to cover half the cost of the construction of a dual carriage-way on a portion of Salim Road North which is already classified as a main trunk road. The Board approved the standard of construction and recommended that the work should be undertaken. At the request of Lady Sidney Farrar the proviso was added that the Commissioner of Local Government should first investigate the possibility of eliminating the dangerous bend in the road north of Mackinnon Market". At the next meeting "The Commissioner for Local Government reported that he had examined the possibility of eliminating the dangerous bend in the road north of Mackinnon Market and had ascertained that compensation for disturbance would amount to about £50,000. It was agreed that in the circumstances the question of straightening the road could not be further considered". It is only necessary to point out that all the land concerned is held on leasehold title. What possible argument there is against freehold in favour of leasehold on that particular score is confined, I understand, to the apprehension of the hon. member concerned!

Apparently she raised some objection to age in consideration of these matters. Admittedly I was one of the committee, and admittedly I am old—in fact, some people say that I am very old!—but I should have thought that the logical deduction to draw from that fact was that the older I am the less likely I am to consider my personal interests in what is going to happen to the land in the future and therefore the more likely to be fair minded, and not inspired by one's own peculiar objectives as distinct from the young ones she wants as substitutes.

The hon. Member for Nairobi North made certain observations about the con-

version of urban land, to-day held at very low rentals, into permanent title at 20 years' purchase. Of course, that was very closely considered, and you will find if you read the report the suggestion is that it should not be agreed to if the lease has not 40 years to run, for the simple reason that the reversionary value of any land is nil up to 40 years before the actual termination of the tenure. Therefore it is only correct and proper that if you are going to give the right to convert, in other words to consolidate your rentals into one payment and thereby get additional security for your title, it is only right that the terms of conversion should be the actuarial equivalent, and whether it is urban or rural land has nothing to do with the question.

This is a long and laboured question, and it is a pity it should be debated in this haphazard way, especially when we are told that a decision has already been come to by Government in respect of a report which the majority might be incapable of understanding even if it had time to read it. (Laughter.)

I will now come to the remarks of the hon. Commissioner for Local Government. As usual, his point of view was put with that admirable rhetoric which we all admire, and I have reason to believe that he was, as I was at one time, a disciple of the late lamented Henry George. You will hardly believe it, but there was a time when I was a fanatical disciple of the late lamented Henry George whom some people described as a modern Christ, a man who probably above all others has swung the minds of multitudes more effectively over a long period than anybody else who has participated in a real economic subject. As I said, I used to be an earnest disciple of his, and orated on behalf of his principles on the platform, especially to New Zealand audiences. They were not very helpful audiences when an alien from England discussed land questions in New Zealand! They looked at me with astonishment, and hoped I would recover. I found eventually, especially when I had occasion to make a very exhaustive study of the evolution of modern economics, a fundamental fallacy in the doctrines of Henry George. It is

[Col. Grogan]

precisely the same fallacy that underlies all Marxian doctrines. His doctrine roughly is that all taxation should be levied on the phantasy of the so-called unimproved value of land, so that all land value other than the value of the holder's improvements should be expropriated. That was the basis of the Marxian doctrine, namely, that hands only and not brains are the source of value. This unimproved value theory is precisely the same fallacy applied to land. This question of how you are going to ascertain the unimproved value is a very interesting one and really at the bottom of the whole question.

If you will allow me I will give one outstanding example. The original proposals of the Colonial Office were revision of rentals to a rack rental limit every 33 years. It was the result of a long controversy which I personally had in writing and *vis à vis* with the Colonial Office that this present modified system in the Land Ordinance was substituted. It was pointed out to them that it was utterly impossible to get people to take up land on terms of rack rental of the so-called unimproved value for 33 years. The example I gave was my land at Naivasha, where I had one well, and only one, that found water out of nine wells that failed. Therefore, if it came to a question of valuing improvements we created on the land, this well only could be deducted from the estimate of the gross value of the land. The so-called unimproved value would be enhanced by the water found in the ninth well and no credit would be given to me for improvements in respect of the cost of the eight wells which failed. That was one example of the fallacious proposals and arguments adduced by the hon. member opposite.

The history of that land at Naivasha is interesting. Originally it was given out at the rental rate of pastoral leases. The lessees were not in a position to do very much with it. Eventually, I personally acquired five or six of them. In conjunction with one or two friends, on the advice of a New Zealander, a sheep man at that, I came to the conclusion that this was a first-class sheep proposition, and we lost £12,000 finding out

that it was not. It was only years after that we discovered the reason, a cobalt deficiency in the land. The next stage was that it was developed as an agricultural property on a very large scale. Sisal was introduced, and the losses in that case were £100,000. It is now in the proud possession of the bank, and has a minor developed value in the form of residential frontages on the lake. Unfortunately, my hon. friend opposite has no further chance of reply, which is very unusual on the other side of Council, or I would ask him to consider in support of his main argument how he would propose that the benefits of maintaining development and black-mailing on change of user which he urged on behalf of a continuance of leasehold can be applied, how he proposes these developments should be maintained? Does he suggest that the banks should be compelled to go on running sheep and growing sisal, and at the same time allow people to buy all the frontages so that they can catch fish? There you have the whole evolution, from pastoral through agriculture to residential.

In actual fact, the blackmailing efforts of the Land Department have not been applied to that particular area but they have to many others in respect of this alleged change of user, and if I may trespass on the patience of Council a little . . .

**HIS EXCELLENCY:** If the hon. member has a little more to say, in that case we had better adjourn until to-morrow, because we shall not be able to finish to-day's business in any case.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 23rd April, 1942.

Thursday, 23rd April, 1942

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 23rd April, 1942. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

HIS EXCELLENCY opened the Council with prayer.

#### MINUTES

The minutes of the meeting of Wednesday, 22nd April, 1942, were confirmed.

#### PERSONAL EXPLANATION

UNDER S.R.O. No. 50

MR. COOKE: Your Excellency, with your permission, under Standing Rule and Order No. 50 I crave the indulgence of Council to make a personal statement.

HIS EXCELLENCY: I take it that Council is prepared to grant this indulgence to the hon. member?

MR. COOKE: Your Excellency, towards the end of his speech on Tuesday the hon. Chief Native Commissioner made a serious statement or implication that I was not fully employed in war work, the implication being that I was shirking a duty incumbent upon all of us at the present time and was merely indulging in captious criticism. My hon. friend said that I was purely an on-looker in this war. Here one might be tempted to remark that no doubt he is a very good judge of the game, having remained on the touch-line throughout two wars, but I will not make that remark (laughter), because no doubt my hon. friend has the same reason for not being in uniform in those two wars as I have to-day.

This attack was followed by the hon. Chief Secretary, who in even severer form, repeated the allegations.

The truth is that a few days before war began I assumed the duty of Deputy Censor at Mombasa. After I had performed the duty some ten weeks, the question of my being able to continue this work and at the same time perform my duty to this Council arose, and I received from the then acting Governor,

Mr. Harragin, a personal letter in which he stated that he considered my services to the Council were more valuable than my work as censor, and he suggested that I should, therefore, relinquish the work of Deputy Censor. I naturally complied with the request, incidentally forfeiting a salary of £500 a year. Since that time I have offered my services for war work on numerous occasions and made it clear that I would accept no remuneration for any work I was called upon to do. Among those offers which I made was to take over the district of Lamu, as the hon. Chief Native Commissioner knows, to carry on the administration at a time when the district was threatened by the Italian advance and the civil and military authorities had decided to abandon the district, so that I made the suggestion in order that looting, etc., might not take place. I later offered myself for work with the mobile canteens in the field, and although I understood at the time that my offer would be accepted I heard nothing of the matter in spite of several reminders. Then, two months ago, I offered to raise Irregulars on the coast to resist the Japanese aggression, and although I received an official letter from the military authorities amounting to an acceptance of the offer once more I heard nothing more of the matter.

It was not until three weeks ago when I was invited to become a member of Mr. Harragin's committee that I had any important work to do. I understand that this appointment was made only on the direct representation of the Total Defence Union, with which, I may say, I was not even in direct contact.

I am not aware of any reason for being continually passed over, but it has been suggested to me that it was because I have been a stern critic of civil and military apathy in this country, but I hope I have said enough to dispose of the false insinuation of the two gentlemen I have mentioned.

Thank you, Sir.

MR. HOSKING: Your Excellency . . .

HIS EXCELLENCY: There is no debate under Rule 50.

#### LAND TENURE COMMITTEE REPORT

##### MAJORITY RECOMMENDATIONS

The debate was continued.

COL. GROGAN (continuing): Sir, I regret that my temerity in joining in this debate yesterday infringed on the sacred hour of lunch! Any observations on such a complex subject as this, if broken off in the middle, make it rather difficult to continue, and therefore I am afraid that I must inflict upon Council the necessity of beginning again.

I would first say that this committee, of which I was a member, was without any exception the pleasantest committee I have ever had the privilege of serving upon. Firstly, because of the charming personality of the gentleman who presided and his known reputation for meticulous exactitude in procedure and the general affection we have for him. He is one of those people rare in the world who, if he were a smoker, and you lent him your box of matches, he would return it or, if he were a drinker, and you left the room and your drink was on the table, you would find it on your return. That is not to be said of everybody! (Laughter.) I also wish to endorse fully the encomiums he handed to the secretary of the committee, Mr. Robbins, who certainly did an enormous amount of work, and however you may relegate this report to the receptacle now prepared for waste paper the fact remains that it is an epitomized history not only of land tenure in this country but of others, and it will serve a valuable purpose, if it is not lost in another fire, when 20 years hence another committee is appointed to go into the same question.

Another point is that all the members of the committee, with the possible exception of myself, knew their subject, and one thing extremely interesting to me was not only how pleasant these debates and discussions were in spirit and competent in method, but how very interesting it was to observe the gradual change of the chairman. He began his entry into these discussions in the same sort of mood I was in when I was a young man, a disciple of the late lamented Henry George. Little by little

he was driven from one fallacy back to another and was eventually driven, as we imagined, to the last stronghold of commonsense, an understanding at least of the position. This was argued very freely and not in an unfriendly spirit, and we got to the point when not one single suggestion put up in the minority report had not been argued to a finish. Unfortunately, however, the chairman became very ill and went away, and as a result of that unlucky happening, and the ordinary lapse of time usual in the preparation of any report, so that it does not appear until everybody has forgotten all about it, he was removed from the pressure and logic of argument, and I am afraid there is some indication that he has reverted to type. (Laughter.)

I had dealt in a tentative way with the hon. Member for Kiambu whose objection was that there were old people on this committee and therefore prejudiced parties. I think that was the hon. member's point. I tried to point out yesterday, if I remember correctly, that in a matter of 30 or 40 years when the hon. member reaches the same stage of mental stability that is sometimes found in people over 60 (laughter), she will be able to view these matters objectively instead of subjectively. I understood her to say that she was entirely in favour of giving a permanent unquestionable title for rural land of which, I believe, she has a certain portion, but was entirely opposed to similar security of title attached to urban land. In all probability, in the course of the next 30 or 40 years, when she will reach the same point of view as myself, she will find that that little place called Wispers Farm has long since been absorbed into Nairobi and is no longer rural but urban land. I would beg her to sit down and think carefully whether, when that naughty happening takes place, she is prepared to hand over this long lease or freehold and have it converted into a short 99 years' lease at a largely increased rental?

MRS. WATKINS: I am quite prepared to do so if it is essential for the country!

COL. GROGAN: I think that is quite likely.

[Col. Grogan]

The other point, the only other intervention against the majority report, was by the hon. Member for Nairobi North. It was against freeholding urban land on the basis of the original low rentals forgetting the premia paid. I am prepared to challenge him on the ground that his actuarial sense has not been adequately developed in the short time he admits he had to read the report. The case was made quite clear in the report. It is a well known actuarial fact that the reversionary value in property under 40 years is exactly nil. Therefore, when offering a freehold title which has still to run for more than 40 years, you are in fact offering something of no actuarial value at all. That misunderstanding of actuarial value seemed to be shared yesterday by another disciple of my hon. friend the Commissioner of Local Government, in that one of his disciples having during this debate probably listened to his emotional plea for reserving to the public the ill-gotten gains of landowners, took the opportunity of going to my car and removing my tunic. I submit that the inspiration may have been correct in principle but the gentleman's actuarial sense was wrong. He may have been inspired by my wickedness in being the tenant of the land on which I built Torr's Hotel, but I would remind him that there are 60 years of the tenancy to run before he has any right to share that property!

That point is largely forgotten by people, namely that there is in fact no present value whatever in the reversionary interest of landed estate that has more than 40 years to run.

Coming back to the hon. Commissioner, I unwittingly did him an injustice yesterday in suggesting that he had no interest or physical knowledge of land. I am given to understand that I made a mistake there. He has, in fact, owned a small property in the vicinity of Limuru. He tells me that is perfectly true but, wise in his generation, he took the first opportunity of selling it, and the result is he is no longer a landowner. He may have been inspired to sell it by the fact that the title was, I assume, a freehold one, and if freehold presumably his conscience smote him and he sold for

I hope, a substantial profit to some other form of villain. To carry on with the point, that the inspiration this gentleman in the minority report derived must have been from the view he got of the land in the immediate vicinity of his office, for every day of his life (I think it is something in the vicinity of 40 years—I seem to remember the gentleman inhabiting the slum for about 40 years) he must have been looking out on one of the most pestilential slum areas in the city, which is plastered over with all sorts of buildings in various stages of decay. It is the common experience of we members who sit on the Standing Finance Committee to be faced with constant appeals for funds to prevent this swarm of derelict buildings from falling down and continuing to be a perpetual menace to the welfare and health of the people of Nairobi. That, I may remind the hon. member, is land still held in trust for the public by Government, and if this is a sample of the care of land Government holds in trust for the public and is also an example of the persistency with which Government itself maintains development and which it wishes to enforce on third parties. I am, rather inclined to think there is either a lack of logic in the gentleman or a considerable amount of humbug.

I want to give a few examples of titles to lead up to a consideration of the real issue involved in this debate on such minor difference of opinion as there was among the committee.

Turning first of all to examples of urban land. There is a place improperly known as the Swamp Estate, which happens to belong to my wife. The history of that is very illuminating in respect of this discussion. It was originally, as its name suggests, a swamp, but owing to the activities of myself it ceased to be a swamp and, in fact, is now a source of power because there is a 70-foot drop on it, and all the swamp factors have been eliminated. It was turned into vegetable gardens and so on. After a period, Nairobi began to extend, and the State, Government, or whatever you like to call it, cast its eyes upon this property. They evolved a grandiose town planning scheme which so far Government has never put into practice, and proceeded

[Col. Grogan]

to try and expropriate this property. The then holder of the hon. Commissioner's job, a gentleman who did more to bring about discontent and mistrust of Government than anybody who lived in this country, had the temerity to offer me £30,000 for that property, coupled with threats that if I did not sell the most dreadful things would happen to me under various other acts, especially in respect of mosquitoes. I, being partly of Irish extraction and not to be subjected to blackmail, said "All right, old boy, get on with it". This property had been valued by the Municipal valuer at £250,000, a slight difference; as a result of that valuation, over a considerable number of years I have contributed in rates a sum that so far is in excess of that necessary to turn the whole surroundings into a habitable, decent portion of the world, whereas to-day it is an outstanding classical example of erosion on a grand scale, a festering mass of filth, mosquito haunts, and a general menace to the community because of the disinclination of Government and the municipal authorities to carry out their obligations.

That battle for the possession of the land went on for a long time, and the attitude adopted by Government in trying to steal the land, because there is no other word for it was, on the ground of change of user, that if you turned this swamp as I had into vegetable gardens which might be incorporated into a portion of the town it was a change of user, and Government could exact any terms whatever it liked for permission to change its use. I fought that subject for 20 years. That title is held under the 1902 ordinance, and it is perfectly clear to any honest man who reads that ordinance that there was no intention at the time on the part of Government ever to suggest an alteration in the title because of change of user unless limitation of user was specifically prescribed in the title. It was used as a method of blackmailing me out of the difference between £30,000 and £250,000. Government, having been foiled in an attempt to browbeat, took another line. They invoked the assistance of the Land Acquisition Act, relying upon this plea of change

of user. I led them down the garden path until they got to the precincts of the courts. On the eve of their going to court, a new Governor arrived. I thought it only decent to go to him and warn him that if Government continued in this procedure they would find themselves in the position of being compelled to pay me a sum they had not got. I was supported in my contention by the opinion of a very famous lawyer in London that the 1902 ordinance imposed no limitation of user. I was asked to discuss it with the then Attorney General, and did, and told him what the case was. He said "Will you trust me to give you a square deal?" I said "Not on your life in your capacity as Attorney General, but if you put it another way around, you are a new one on me, and ask me to trust you as (I will not state his name), I like the look of your face and the answer is yes". (Laughter.) On those grounds I agreed to have the case withdrawn. The result in a nutshell was that the Attorney General was compelled to go into court, withdraw all Government claims as to limitation of user on that property, and that was that.

One would have thought that that would have been enough if no less a person than the Attorney General goes to court dressed in sackcloth and ashes and says it was a monstrous attempt by Government, that that would have been the end of the argument. But nothing of the kind. For years after, right up to the present date, the Land Office is determined on every single occasion it can possibly find to extort from the holder of title under the 1902 ordinance a penal rent for an alleged change of user. I fought the issue every time, and the gravamen of the complaint against Government is that although they know it is blackmail, and have admitted it was and had to withdraw, they still continue this monstrous procedure against a lot of little innocent people who have insufficient knowledge or money to fight them.

Take Example No. 2, Upper Nairobi Township, which will interest my friend on my left and probably the hon. gentleman opposite. Practically the whole of it, which represents a very large proportion of suburban areas and of internal areas in Nairobi, was originally held on

[Col. Grogan] agricultural lease. They were acquired by myself and the late Lord Delamere many years ago and combined into a company, town planned by us, and laid out as a suburban area. I have no longer any interest in the property because I was squeezed out by the banks and other ruffians long ago, but it is interesting history exemplifying the foolish nature of the land laws under which we live. They were agricultural tenancies at one time or another, but are now incorporated in Nairobi itself. The battle raged over the same thing, change of user, and I won every time, but since I have disappeared out of the picture the innocents have been beguiled and a large amount of blackmail improperly levied upon the present occupants.

A point arises on that. How are you going in fact permanently to differentiate urban areas from rural areas? because they pass from one to the other. Are you going to change the titles? It is utterly absurd.

A third example in townships is Mbaraki, which also belonged to me and was held on leasehold. Under that leasehold I had specific rights, and one of those rights was to build piers, wharves, and a siding on the said land. I proceeded in the wickedness of my heart to build piers and wharves and a siding on that said land, but the Government of the day resented improvements on the land or any real development, as they have done consistently for a long time. They said "Oh yes, we agree we allowed you to construct a siding on the land, but we never allowed you to connect it up with the railway". (Laughter.) I ask you, Sir, that is the class of landlord we have had to deal with. It sounds almost unbelievable, but it is gospel truth, and it took me no less than six months in that the siding was there but was never used and the work of transporting a large tonnage of material had to be done by hand instead of by rail. The matter never got rectified until I got personal access to the late Lord Milner, who settled it in five minutes! The ingenious gentleman in the Secretariat who invented the scheme boasted openly of it and got promotion. (Laughter.)

These are sufficiently illuminating examples in respect of urban land. I gave you an example of rural land at Naivasha yesterday, and there is another little one I will bring in because it is rather significant. I had certain areas of land at Turi, near Molo. One of my neighbours, who had acquired a bit of land from me, found that the road to his farm was bad so that on wet nights he could not get his car through to his home. He came to me and asked me to lease him ten acres on which he could put up a garage with a bunk for himself so that if his car got bogged he could climb in the bunk and sleep until morning. I said yes. I went to the Land Office and arranged about the sub-division. They said I could do it, but "It is a change of user, and the new tenant must pay a most enormous rental to Government for the land". This went on for ten years. Eventually the roads were improved, the applicant died, and that was the end of that.

The real issue of this debate, as far as I understand it, is that there was the substantive agreement among the members of the majority and minority on 99 per cent of the whole issue. It is admitted that it is impossible for Government to implement or enforce conditions in the current 99 years' leases and the matter is, in fact, urgent because of the obligation to define unimproved value which begins to arise in 1945. Something must be done quickly about it. There is complete accord so far as rural land is concerned that people should be given security of title by fixing the rent for the whole period of the lease. That was agreed. People may say "What the devil is the difference between a 99 years' title and freehold?" I must admit that at one time I actually put forward a tentative proposal on this committee that we should accept it, because there seemed very little difference. Fortunately we had a wise old member of the committee in the form of Mr. Tannahill, who knew more about the little intricacies of land tenure. He stood firm on three points. One, recognized by everybody, was the point of sentiment referred to by the hon. Commissioner for Lands and Settlement, which is swept aside in these days as having no meaning. If the lesson of our time amounts to anything,

[Col. Grogan] at all, this overriding matter of sentiment means something, otherwise we would not be fighting this war. The British people have always believed in freehold, the sanctity of a man's hearth and home. Why the devil should we fall to some fantastic theory and fight against the accumulated wisdom of a thousand years? Therefore I contend that this argument of sentiment should really carry weight especially where you have a very sparsely populated part of Africa and are desirous of increasing the white numbers on this one citadel of civilization in all this great waste of middle Africa.

Another highly technical point was that a certain number of trustee funds are debarred from investment in anything except freehold land. In a way it is a small point, but since there is nothing to be said for one against the other it ought to be taken into consideration.

The real point on which I stood pat and which is the most important one and which I have sufficiently illustrated by the examples I have given, is that we were determined and still are, and the people of this country have got to go on fighting for ever until they secure for themselves and their successors a clear unequivocal title against this preposterous form of blackmail. For this reason we are determined to have a clean title without any limitation of user whatever. If you can evolve a form of lease which does not suggest any limitation of user, my personal objections to leasehold as against freehold are withdrawn. The other two points are not of sufficient importance to fight against the urban sentiment and ignorance which prevails in these matters. That is so far as applies to rural land.

In respect of urban land my view is that permanent title is more important still. The minority's reasons given for the retention of the 99 years' system are, first, urban areas are different from agricultural because of town planning requirements. Are there not country planning requirements as much as town ones? We have had floods of legislation dealing with country planning. I gave an example yesterday showing that it

had no practical significance, because under the leasehold system of to-day £50,000 will be required for a road improvement, and the suggestion is that we have got to wait 60 years before carrying it out, which is absurd. I have already pointed out the absurdity of a very large proportion of agricultural land in the vicinity of Nairobi if absorbed in these urban areas, and how would you have a differentiation of title unless you give a man a short one instead of a long one? The whole thing becomes complete nonsense.

It is suggested that lessees holding title at expiry should have first refusal from Government. That sounds all very well, but I will give you an example in London in the form of Regent Street, which was Crown property. Admittedly the people whose leases were expiring got first refusal. They had to stay there owing to the business and tradition they had built up there. The Crown with its monopoly imposed conditions so onerous that numbers of those concerned were ruined and eventually the Crown had to revise matters in order to get anybody to occupy the buildings at all. There is all the difference in the world between the State as a monopoly landowner and individual landowners who want a return from their property: The State does not give a damn whether it gets a return or not and can therefore enforce any terms.

In respect of urban land, a clear title is more important than even in rural areas, because anybody who knows anything about farm land knows that a man can in the last 20 or 30 years of the title suck out all the accumulated fertilities and let all the developments and improvements fade peacefully away until he hands back a derelict estate to the community, whereas in town it means that when you get within 30 or 40 years of the termination of the lease the whole town becomes static. Nobody will spend more money on an improvement unless there is a chance of recovering it. The whole of Nairobi was practically given out on a tenure that dates within about ten years of one another in origin: You will in 1960 get the ridiculous position of 20 or 30 years complete static condition of development with everybody

[Col. Grogan]

waiting for the flag to go down to begin all over again. That is an impracticable and bad policy I suggest.

Coming back to the unfortunate feature of this debate, we are informed quite casually that Government have turned this report down. I suggest that that is very improper procedure. Who constitute this so-called Government? First, naturally, is yourself, Sir. I have passed your house, and have had the privilege of going in several times, but I have never seen Your Excellency titivating the wily radish and have no idea whether you have any knowledge of the use of land. The next person I am quite convinced of as being a member of Government is the Chief Secretary. He does not look exactly like the sort of figure conjured up in one's mind by Gray's Elegy and its picture of the weary ploughman. He may be a great agriculturist and land exploiter: I do not know the agrarian proclivities of my hon. and learned friend the Attorney General, but his name connotes the probability that he still retains a tribal affection for the expropriation of other people's land. (Laughter.) There is my hon. friend the Chief Native Commissioner, who is of the earth earthy. I congratulate him most heartily in that when he occupied that high post of Commissioner of Lands he introduced a new spirit of understanding of the functions of the State in trying to assist the development of the land, and restored to a large extent the confidence his predecessor had destroyed. I give him credit for that. Looking all around this body, the only sure aroma of bucolicism I can detect is the name of my hon. friend, the Provincial Commissioner for the Coast, Mr. Hodge. (Laughter.)

On the other side, the components of this committee consisted of myself, and I do not think anybody can contend that I have not had considerable experience of both rural and urban land, nor do I think that anybody can contend that I have not to the limit of my capacity and within the range permitted by the banks done my best by the particular land entrusted to my charge. You have, too, Mr. Tannahill, who is recognized by Government and all municipalities

as the first man in this country in respect of knowledge of titles and of the actuarial and tenure problems that derive from land. You have another well known agriculturist, a practical agriculturist, in the form of Mr. Will Evans, who has spent his life on the land and played a great part and a respected part in its development. Then there was the hon. Shamsud-Deen, an Indian who has also had very considerable experience of land.

Yet you say, Sir, that the recommendations of these gentlemen, most of whom admittedly suffer from the deficiency of being old, shall be set on one side as of no account, and that the recommendations of the two official members, neither of whom have ever had any practical experience in the use or development of the land, are to be taken without even listening to what was to be said in this debate. I say without repentance that this monstrous impertinence on the part of your Government bodes ill for the new spirit which we hoped was to be introduced into governmental circles for the propagation of the war!

DR. WILSON: Your Excellency, I am grateful to the hon. Member for Ukamba for one thing, and that is, he has protracted this debate long enough to enable me to collect one's thoughts to a certain extent before speaking against this motion. He admitted that on this cheery committee which presented this report he argued the hon. Commissioner for Lands and Settlement into such a state that he retreated from one point to another—

COL. GROGAN: I did not say I did, but the committee did.

DR. WILSON: I am quite sure that my hon. friend was the most vocal member of this committee which talked the hon. Commissioner into such a state that he eventually went sick! He is obviously adopting the same process now, and in his very amusing speech, but rather lengthy one, tried to talk the debate out and prevent anybody else from taking part in it—

COL. GROGAN: On a point of order, is that a permissible suggestion, Sir?

DR. WILSON: Much as I admire his artful oratory and felicity of phrase, I shall not attempt to copy him in the

[Dr. Wilson]

length of his speech but will be as brief as possible, and try to keep to the point.

There are two reasons for rejecting this motion. One is the general reason, that the recommendations of the committee are unsound, the other is the particular reason that it would be entirely wrong to consider an alteration of the land laws of Kenya in this time of crisis. To take the second point first. This motion comes right on top of another motion proposed by the very same hon. mover, that Government should devote all its time and energies, and quite rightly, to the prosecution of the war to the exclusion of everything else. Right on top of that motion we are now told that Government has got to get down to this question of a radical change in the land laws of Kenya, a change which must require a great deal of time and thought on the part of Government, if it is to be taken as seriously as it should be. It is obvious, from the course of this debate, that even this report has not been read by many members. It has been admitted by such a conscientious member on this side of Council as the hon. Member for Nairobi North, that he was prepared to second the motion until he had read the report when, having read it, he decided to oppose it. It was said by my hon. friend on my right (Col. Grogan) that probably few members opposite had read the report. He went on to insult them by saying that if they had read it they would be unable to understand it.

All this means that this change in the land laws of Kenya—and I want to emphasize that it means a permanent change and permanent loss which can never be regained—is to be rushed through now when people are busy with other matters connected with the war. Government would be doing a disgraceful thing if they rushed this change through now, when people have not the time, and most of them not the inclination, to get down and study it in all its bearings and implications. There is the reason why the matter should not be even discussed at the present time. Yet we heard yesterday a shattering statement by the hon. Commissioner of Lands and Settlement that Government

had already made up its mind to accept some of the recommendations before, as my hon. friend explained, anybody in this Council had heard the arguments on one side or another, except those of the hon. mover in a very brief speech, whose motion was formally seconded. Before further steps could be taken, Government had announced its intention through the hon. Commissioner of Lands and Settlement, of, I will not say accepting, because possibly that is not correct, but of recommending to the Secretary of State that certain recommendations should be accepted.

MR. MORTIMER: On a point of explanation, what I said was that Government had been impressed by the arguments of the committee on certain points and so intended to address the Secretary of State on the subject.

DR. WILSON: I am sorry if I misrepresented the hon. member's statement. In making the statement which he did make, he gave as one of the reasons—and possibly he will correct me again if I am wrong—that seven million acres had already been alienated under certain conditions unfavourable to the State so that it was not much use worrying about the rest, and that so much damage had already been done that it would not make much difference if a good deal more damage followed. (A member: Question.) Fortunately, with regard to the land that was alienated, there was one condition, and that was that the rental should be reviewed after a period of time, so that the amount the landholder paid to the State for the use of the land would vary from time to time in accordance with the varying value of the land. Now it is proposed that this one saving clause should be thrown away under pressure from interested parties, the interested parties being those people holding the land liable to revision of rent. It is admitted that the conditions under which that land will be held, if the recommendations of the committee which carry weight with the Government and which I understand are to be submitted to the Secretary of State for acceptance are accepted, are practically freehold conditions. There will be no revision of rent, and there will be the power to purchase at the



[Dr. Wilson] value of 20 years' present rental. Those I submit are practically freehold conditions; one heard quite enough yesterday about 1066 and all that.

I understood the hon. Commissioner for Lands and Settlement to say that in the past Government had been a bad landlord. I am quite prepared to agree, but I see no point in the suggestion that because Government has been a bad landlord in the past it can carry on and behave as a worse landlord in the present and future. I have no doubt I shall be told that I am not in a position to argue against Your Excellency's advisers on land questions, and that the Land Department can be trusted to look after the affairs of the country as regards land. That might be the answer, but the Land Department is the responsible body which should make recommendations as regards the disposal of the land. It is rather unfortunate, but I happen to be acquainted with a recent action of the Lands Department regarding the alienation of a certain area of land known as the Masai Circumcision Area. I cannot go into details of that transaction because it would involve mentioning certain individuals. The hon. member knows all the facts. He knows the part I took in the discussions, and if any hon. member wishes further details I shall be very pleased to give them outside this Council. But there was an area of Government land, and although the local authority urged very strongly that nothing should happen to the land while the war was on and many potential applicants, young men anxious to acquire land in that area were away at the war or out of the country or otherwise engaged and unable to submit their applications, in spite of these submissions by the local authority and in spite of the strongest protests, that land was alienated in a way which I can only describe as deplorable. That is possibly an unkind thing to say, but I merely wish to emphasize the fact that we cannot rely on the Land Department, whoever may be at the head of it, to advise Your Excellency correctly on the disposition of the land.

The hon. Commissioner for Lands and Settlement put forward two reasons

for abolishing this rental revision, the revisable rent system. The first was that the present landholders did not like it. He said it was because of this condition that holders of 99 years' leases did not wish to convert to 999 years. I suggest that the fact that these landholders are against this revisable rental rather suggests that they are trying to get something out of Government which Government has no right to surrender. The other reason was that the first revisions fall due in 1945, and it will cause so much trouble and worry to try and work out the value of the land in 1945 that it is better to say: "All right, we will not revise them at all." That is so pitiful an argument in favour of abolishing this condition, the one saving clause, that I really think it unnecessary for me to say anything against it. In fact, the whole case for Government's decision in this matter is so weak that I can only believe that Your Excellency and your Government have not really got down to a serious consideration of all that these changes will imply, and the permanent loss it will mean to the country. Much as I dislike the idea of appealing to the Secretary of State to interfere in the affairs of this country, I hope that His Majesty's Government will see to it that this thing does not happen.

As regards this report, there are just three features I should like to call attention to. The first feature is the membership of the committee. I should be shy of talking about it but my hon. friend on my right (Col. Grogan) took the trouble to mention the members of the committee one by one. I only put it to this Council, can that committee be called impartial? There were two large landholders, two land agents, the Commissioner for Lands and Settlement, and the secretary of the Land Bank (Mr. Thornton). The last two disagreed with some of the more important recommendations of the other four. I put it to this Council that that committee cannot be called an impartial committee.

The second point is the witnesses who gave evidence or submitted memoranda to the committee, Appendix 12. If anyone runs an eye down that list of witnesses, it is pretty obvious that nearly

[Dr. Wilson] all are on one side, that very nearly all are landowners, landholders I should say, and many of them—

COL. GROGAN: Sir, is it in order for an hon. member to imply improper motives to members?

HIS EXCELLENCY: No, he is not in order.

DR. WILSON: Would the hon. member say what was the improper motive? Is it imputing an improper motive to say that these witnesses are mostly large landholders? I do not think it is an improper motive for a landholder to try to consider his own interests.

COL. GROGAN: I was referring, of course, to the hon. member's reference to myself.

LORD FRANCIS SCOTT: I understood the hon. member to say the committee was not impartial.

HIS EXCELLENCY: The hon. member can draw attention to the composition of the committee but he is not entitled to make improper deductions from its composition.

DR. WILSON: I withdraw the word impartial. I do not know whether the use of the word "interested" would be imputing improper motives. (COL. GROGAN: "Knowledgeable.") "Knowledgeable" they certainly were in their own interests. (Laughter, and "Order, order.") I beg Your Excellency's and Council's pardon—knowledgeable in their own affairs.

The third feature of the report to which I wish to call attention is the recommendations of the majority of the committee with regard to land affairs in urban districts. Unless I heard the hon. Commissioner incorrectly, I think he described these recommendations of the majority of the committee as preposterous. I submit that if the recommendations of the majority of the committee were preposterous in respect of certain classes of land, that discredits the committee as a responsible body for advising Your Excellency's Government and invalidates the recommendations as a whole.

I very much regret if I have quite unintentionally imputed improper motives to anyone; I merely wished to say that naturally those who hold land

wish to hold it under the most favourable conditions. I look upon it as my duty, in the interests of another large land-using section of the community, to see that the State retains as much right as is possible in the control of the one certain and lasting asset, the land.

COL. GROGAN: In view of the perpetual observations, will the hon. member tell us under what title he holds his land?

DR. WILSON: I really don't think it has anything to do with the course of the debate. We heard a great deal from the hon. member about the various lands he has held, and lost, and the conditions he has held them on. I happen to hold only 150 acres, on the remainder I believe of a 99 years' lease, for which I pay Sh. 10 a year as rent. I think it is perfectly disgraceful that I should have 150 of the best acres in the country (for which I may say I paid a large sum of money to a private landholder) and that my only return to the State should be Sh. 10 a year.

I only wish to say in conclusion that I most earnestly trust that Your Excellency will reconsider this decision before submitting it to the Secretary of State and so avoid what will be an unfortunate incident if the Secretary of State overrules and refuses to accept Your Excellency's submission. I do not know what is going to happen to this motion, whether the hon. Member for Aberdare is going to repeat his act of yesterday and ask leave to withdraw it having gained rather more, I expect, than what he ever expected, a half promise from Government. I consider that would be a wrong procedure; the motion should go to a vote and be overwhelmingly defeated.

LORD FRANCIS SCOTT (Rift Valley): I had not intended to intervene, but in view of the last speech I feel I must.

I think we will all agree that this is one of the most important problems which can be considered in this country. It is a fundamental question. I do not propose to argue on the rights or wrongs of the Majority or Minority report, but I do want to make a plea in this respect, and that is that the Government shall not bang, bar and bolt the door on this question of the freeholding of land. Banging, barring and bolting doors are

[Lord Francis Scott] never wise things to do, and as an instance of that I may recall that the present Prime Minister of England many years ago boasted that he had hanged, barred and bolted the door against protection, but when he grew wiser in his age he, I believe, was one of those who supported it when protection was introduced, by the force of circumstances, into Great Britain. May I suggest that those who feel so strongly against freeholding to-day will probably, in the course of years, change their minds also?

As I have said, this is a very important question. This has been an extremely able report produced by the gentlemen who formed the committee and it is a report which, judging from what I have heard when I have heard it discussed in different places, is very slightly understood by most of the members of this Council. I myself have read the report, and I still feel that I would like more time and more opportunity of going into the implications of it more thoroughly. It has been argued by various speakers that this is an inopportune moment to bring this motion forward, but the reason why there was some urgency in the matter is because the first date for the revision of rents comes up in 1945, and therefore some decision had to be taken in view of that happening.

I do sincerely trust that Government will not recede from the attitude which has been announced by the hon. Commissioner for Lands and Settlement, that they are going to recommend that this revision of rents shall be abolished. Personally, I have read the arguments put forward by this committee and I prefer the arguments put forward by men who know their subject rather than the arguments put forward by my hon. friend Dr. Wilson, who obviously knows very little about it. And I trust that Government will accept the recommendations of both the Majority and Minority reports in this particular instance, and will go forward with regard to that particular point.

With regard to the major issues, particularly of the possibility of transferring leasehold titles to freehold, I sincerely trust that Government will an-

nounce to-day that, while they are not prepared to accept it at the present moment, there will be an opportunity in the future when people are not so much occupied with other affairs as they are to-day, when this whole question, which is one of major import, can be thoroughly discussed and threshed out and the pros and cons given an equal chance of being heard, and when the final decision may be taken. I think it would be very unfortunate if that decision were taken to-day when things are so difficult and when many criticisms, I suggest, are based on a rather imperfect knowledge of the case. I should welcome it very much if some spokesman of Government would make this point clear, that this is not a final turning down of a report which took a long time to prepare, which was prepared with great care and with great knowledge, and which should not be lightly thrown aside and put into the waste paper basket.

MR. RENNIE: Your Excellency, I rise to make the attitude of Government clear in this matter. Government, as the hon. Commissioner of Lands and Settlement has stated, is not prepared to accept the motion, and he went on to indicate that in view of the necessity of taking some action before 1945, the year of revision of rents, Government had decided to address the Secretary of State on the subject of revision. I do not think that his speech bolted and barred the door, as the noble lord the hon. Member for Rift Valley feared. The present is a time when everyone is very urgently engaged with other work, and, although I am in the company of the hon. Member for Ukamba of actually having read the report—in fact I would go so far as to say that I have probably read the printed version of the report more often than he has—the time that Government has had to consider this report has not been very long and, as the noble lord says, these are matters which require very grave and careful consideration. For the time being therefore, the attitude of Government is that it is not prepared to accept the motion but that it does propose, in view of the required revision of rents in 1945, to address the Secretary of State on the subject of the proposed abolition of revisable terms.

[Mr. Rennie]

While I am on my feet I might just refer to one or two points that the hon. Member for Ukamba made, in case anyone should be under a misapprehension as regards, for instance, the question of the proposed Salim Road reconstruction proposal. That came up before the Central Roads and Traffic Board a week or two ago with the object of seeing whether anything could be done to straighten what was a very dangerous corner. If I understand the hon. member aright, his argument was that this desirable improvement will have to be postponed for something like 50 years because the properties on each side of that road are leasehold. Actually these properties are freehold at the present time.

COL. Grogan: On a point of explanation, I withdraw my remarks in that connexion. I had forgotten. I thought it applied to some proposed alteration in Nairobi, because the argument is exactly the same; it only varies in terms of time.

MR. RENNIE: The only other point to which I would refer, since I do not propose to follow the hon. member in the maze which he weaved so dexterously, is his reference to the swarming buildings on the site of the Land Office. It is perfectly true that the Standing Finance Committee has been asked to recommend the provision of funds, but it was not so much to bolster up buildings already in existence as to provide additional buildings for the safe custody of maps, and to suggest that it is either because of lack of logic or humbug on the part of Government that these buildings still continue to exist, is, I think, hardly accurate: I think the answer is rather lack of funds in the past.

As regards the remarks of the hon. member Dr. Wilson on the question of revisable terms, he did not mention one argument which the hon. Commissioner of Lands and Settlement stressed, and that is the difficulty of actually arriving at the unimproved value of land. I must admit that when I first began to study this subject, and that date was not so very long ago, unlike my hon. friend the Member for Ukamba, I was very much impressed with this idea of making sure that to the community went some part of the unimproved value of the land. However, in going into the matter fur-

ther I personally have come round to the view held by the members of this committee who have studied the matter and who have more experience of it.

As regards the remarks of the hon. Member for Ukamba that Government had made up its mind before hearing the debate, I would merely remark that he had an opportunity of speaking before the hon. Commissioner of Lands and Settlement, but he did not avail himself of it. It is not always possible for Government to deal with reports of committees after a debate in Council. Government very often has to make up its mind on the report as presented, and this report, as everyone who has spoken is agreed, is an admirable and clear exposition of the various principles which the committee has been considering, and I think it is not too much to expect that Government would be in a position, after reading the report, to make up its mind that it would not be possible for this particular motion to be accepted.

MR. WRIGHT (Aberdare): Your Excellency, I intend to be very brief.

My hon. friend Dr. Wilson expressed pleasure that he had had a full day to collect his thoughts and yet, strangely enough, he appears before us this morning in a state of the most extraordinary confusion I have yet found in this Council! He first of all reprehends me for bringing, in close juxtaposition, two motions of very similar import; one as affecting the war effort and this other which he suggests I am attempting to have rushed through to-day. I protest that the juxtaposition of these motions has nothing to do with their relative importance, one with the other. The land tenure motion is one that has been discussed; questions have been asked on the subject repeatedly over many years (not a few by myself), and the motion was inspired by the fact that before the war a committee was sitting on this issue—or coincident with the outbreak of war—that 20 years ago a similar commission or committee had sat and found substantially the same findings as this committee has done recently; and, further, a feeling arose that without security of tenure and without that permanency which we feel we are entitled to as white settlers in the White Highlands of Kenya, our prospects were

[Mr. Wright] pretty poor, and that if Government were to take such a view it would in fact amount to this: that we have no post-war plans for development in Kenya at all.

What the hon. member Dr. Wilson characterizes as deplorable I understand to mean the alienation of land under its present terms—that is without rental revision—and I find that difficult to believe, in spite of his own confession as affecting his own small holding, because the presumption would appear to be that he would welcome this requisition by Government for the common good at any time they think fit.

There are many interesting points which have been brought up in this debate, but it will be sufficient, I think, for me to mention the two outstanding speeches. The first by the hon. Commissioner for Lands and Settlement, who gave us a most skillful exposition of the report from his point of view, and that point of view is one put forward by a master of his craft, and one cannot compliment him too highly for the skill with which he presented his case. The other is by the hon. Member for Ukamba, who brought a wealth of experience and practice. It may well be that future readers of Hansard will be able to derive a better and clearer meaning of the issues involved in this matter, for there they will get two excellent records by experts on both sides: one representing theory and the other practice. The practical speaker has, I think, made it clear to many of us, to me certainly, that the State is ever an unreliable landlord, and frequently a rapacious one, but in view of the statement made by the hon. Chief Secretary to-day that Government has hardly had the time properly to consider this report and therefore cannot accept the motion in my name, I would now beg the leave of the Council to withdraw the motion, Sir.

DR. WILSON: Can I say "No" to that, Sir?

HIS EXCELLENCY: Yes. The motion is by leave of Council withdrawn.

DR. WILSON: No.

#### INCREASED PRODUCTION OF CROPS BILL

##### SELECT COMMITTEE REPORT

MR. HARRAGIN: Your Excellency, I beg to move that the select committee

report on the Increased Production of Crops Bill be adopted.

Although very lengthy, this report contains nothing revolutionary, and although it has taken some time to compile and the committee has sat for many hours, the sole object of the amendments is to clarify and make clear principles which were not clear in the bill as presented to this Council, and also to tighten up the control which the board will have over lands which are being cultivated under its direction. I therefore propose very shortly to take the major amendments which are being recommended by this committee.

The first amendment is to be found in the definition in clause 2 of "farmer", and the only object of that is in order that the board will have control over land where in fact it is not clear who the owner is or where the owner is out of the country and it is impossible to serve him with the usual notices. It will be obvious to everyone in this Council that it will be absurd to allow land to lie idle simply because we could not find a particular owner on whom to serve the necessary notices. The next amendment occurs in clause 7, which makes provision that a fresh programme should be submitted by the farmer when called upon by the chairman of the board. The bill in its present form visualizes so to speak the first stage, though it is possible to have two planting stages during the life of the ordinance, possibly many more. It is therefore provided that in subsequent years when it is necessary the board, through its chairman, will be able to call on a farmer for a new programme.

Clause 11 states the time within which a programme which has been ordered by the board shall be done. In its present form, it would appear that although the board may give an order that  $x$  acres should be planted with  $y$  crops, there is no time limit within which that should be done. It is therefore made clear that the board may now lay down a time within which the order has to be complied with. The next amendment provides that where an order is made it should be approved by at least three members of the board. That is to remove any doubt in the minds of farmers when they receive an order with which

[Mr. Harragin] they do not agree that it is the request of one member. The amendment to clause 12 provides that when a farmer is unable to cultivate after he receives an order to do so, he must inform the board giving the reasons for his inability to comply with the order. The next is formal, and provides that a farmer where he wishes to increase his cultivation over and above that contained in the order from the board has got to obtain the consent of the board to that additional cultivation.

Clause 16 (2) is amended providing that the grant may be paid even before the crops are actually sold. The object, as indeed the whole object of the bill is, is to enable the maximum production to be produced by a farmer, and it was pointed out that perhaps at the very time he wanted money most, under the bill it was denied him, namely, at the time he wanted to get on with sowing crops. It is therefore now possible for him to obtain a grant for that purpose. Provision is also made that where crops are produced by the servants or resident labourers of a farm, they shall not be counted for the purpose of the ordinance as part of the crops of the farmer himself. This is a very necessary provision, for as members of Council are well aware there are certain farms in this Colony where the resident labour produces a very considerable amount of crops which are, in fact, delivered from those farms. This makes it perfectly clear that a farmer cannot offload, so to speak, his obligation when he receives an order by providing that the crops are produced on his farm by the resident labour. There is another point, that where guaranteed prices are given for particular crops produced by a farmer, he cannot submit the crops of his resident labour under the pretence that they were produced by him and are therefore entitled to the price which has been fixed for the crops he is producing himself.

A small amendment is made in clause 25, whereby the board may direct a farmer to take such precautions as are necessary against fire. That is in order to conform with the rest of the bill, where every endeavour is made to secure the advances which Government is

making by insisting that not only where crops have been severed from the ground and stored they must be insured but we also thought it necessary to oblige a farmer, where he receives an order from the board, to take all necessary precautions with crops so that, for instance, they will not be burnt down while standing. It is practically impossible to insure crops while standing, as hon. members know, and the next clauses make it clear that the insurance will apply only to crops stored and not to crops when they have been cut and severed from the ground.

Clause 34 has been amended to give the board power to dispose of the surplus where an advance has already been paid back. This is to facilitate movement and to enable the rapid disposition of crops when once they are produced. Clause 37 is amended so as to give the Governor in Council power to prescribe guaranteed prices where some additional crop comes within the purview of this Ordinance, and the next gives the board power to delegate to the chairman any powers which are at present vested in the board. It is perfectly obvious that someone must have executive authority to act quickly and effectively without having to have a meeting of the board. It will be clear on glancing through the ordinance that certain powers of the board will have to be delegated to the chairman.

Since this report has been typed, I have received notice of an amendment which the hon. Member for Uasin Gishu wishes to move. I may say in advance that I see no objection to it, and I have collaborated with him in preparing the amendment, and will accept it in due course.

MR. BROWN seconded.

MR. BOWSER: Your Excellency, I support the adoption of the report with the exception of one clause, to which I beg to move the following amendment: "that the report be amended by the addition of the following to paragraph 13—That clause 23 of the bill be further amended by adding the following words between the words 'shall' and 'be' which occur in the first line thereof, 'unless the board otherwise orders'." I am sorry to have to move this amendment, more especially

[Mr. Bower]

as I was a member of the select committee but unfortunately from my point of view this matter was overlooked, and unless it is rectified now it will cause considerable trouble and confusion later on.

Clause 23 provides among other things that all crops shall be held in trust for the government of the Colony. If it is allowed to stand as it is it will prevent an advance being given on that crop by anyone else except the Government. That was never intended, and is undesirable and quite unnecessary. This clause mainly affects wheat, maize, rye, and flax, and in the past it has been the custom, because all these crops could not all be disposed of immediately after being harvested, for farmers to get an advance on them once they were in store. If the clause is not amended as I suggest, it will be impossible for those farmers to give these crops after they are stored as security and they therefore will not be able to obtain the advance from anyone else except the Government, which will put an unnecessary strain on the public purse that it was not intended to provide for.

Mr. TROUGHTON seconded.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I support the amendment. There is, however, one other matter to which I should like to draw attention, and that arises out of paragraph 5 of the report, on page 2 of the document circulated. It provides in paragraph 5 (b) that the following sub-clause is to be added to clause 11 of the bill: "(4) No order under this section shall be issued or made unless it is approved by at least three members of the board". I may be wrong, but when we discussed this I expressed doubts as to whether that was practical or not. Personally, as chairman of the board, I would welcome responsibility being passed on to my colleagues, but I would point out that we are going to receive many thousands, and already have many hundreds, of programmes of production, and in most cases they are more or less automatic in that a farmer's programme has been reviewed by the local production sub-committee and approved, and has been approved also by the district sub-committee, and would in all cases be

approved by the board without any further reference at all. If every one of those programmes has to go before three members of the board, presupposing the board does not wish to delegate its powers, it is going to entail a great deal of work.

I am all for it, but I am only wondering whether it is practical. Of course, if there is any doubt or complication I would probably like to discuss any proposed alteration with the Director of Agriculture, or some colleague of mine who knows the district, but this sub-clause means that the board would not even be allowed to delegate powers in normal cases to the chairman or to somebody authorized by the chairman. I think that this is a point that should be re-discussed before we finally pass this report. For the purposes of discussion I will formally move that the report be amended by the deletion of paragraph 5 (b).

Mr. WRIGHT seconded.

Mr. BLUNT: Your Excellency, I should like to support the amendment on the ground already put forward by the hon. mover. A large number of these programmes will come to the board formally, and the inclusion of this sub-clause would certainly involve a considerable amount of work on the part of any sub-committee of the board which would probably deal with these things which does not appear to be necessary.

Mr. HARRAGIN: Your Excellency, this was put in by the committee, and I accepted it as the considered opinion of the majority. I hold no brief for it, and would be quite willing to have the amendment accepted on behalf of Government.

The question of the second amendment was put and carried.

The question of the first amendment was put and carried.

The question of the motion that the report be adopted as amended was put and carried.

#### LAND AND AGRICULTURAL BANK (AMENDMENT) BILL

##### SELECT COMMITTEE REPORT

Mr. HARRAGIN: Your Excellency, I beg to move that the select committee report on the Land and Agricultural

[Mr. Harragin]

This Bank (Amendment) Bill be adopted. This bill was formally referred to the same committee that sat on the last measure; as it was thought that some of the amendments made in the first bill might affect the other. In point of fact, no amendment made in the first bill will affect the second, and the recommendation of the committee is that this Bill should be passed as submitted.

Mr. BROWN seconded.

The question was put and carried.

#### ASIATIC WIDOWS AND ORPHANS PENSION (AMENDMENT) BILL WIDOWS AND ORPHANS PENSION (NEW ENTRANTS) BILL SELECT COMMITTEE REPORT

Mr. BROWN: Your Excellency, I beg to move that the select committee report on the Asiatic Widows and Orphans Pension (Amendment) Bill and the Widows and Orphans Pension (New Entrants) Bill be adopted.

In moving the second reading of the second of these bills I made reference to the point made by the Asian Civil Service Association that whereas the rate of interest assumed for the European widows and orphans pension was 6 per cent, that assumed by this bill for Asians was 3½ per cent, and said that that point was by no means unreasonable, and it received very careful consideration in select committee, most of our time being devoted to a discussion of that point. We had the assistance of the hon. Acting Financial Secretary and a deputation from the Asian Civil Service Association, and on behalf of the committee I would pay a tribute to the great help my hon. friend gave us and the helpful attitude adopted by the Association.

We decided that there was no justification for any differentiation in treatment between Europeans and Asians in the matter of pensions for their dependants. Obviously it was impossible for the committee to revise these tables, as I pointed out on the second reading that was the work of an actuary, and it could only be undertaken after an actuarial investigation had been made. All we could do was to state our view that there was no justification for the difference, and recommend that the question of preparing amended tables be investigated without

delay. It was made clear that that investigation would take time. It is not a question of two or three months, or even six months; it might take as long as two years. So it was decided to recommend that this bill should be passed on the distinct understanding that an investigation into the possibility of revising the tables should be made without delay.

I want to make it perfectly clear that nothing I have said and nothing the select committee has said in its report, is to be considered in any way as a pledge that those tables will be revised. That must depend on the result of the investigation. The position is simply this: the select committee of Council has expressed its view that there is no justification for this difference, and if its report is adopted this Council will have endorsed that view and will have requested Government to investigate the position without delay. In introducing the bill I said that one of the factors that had to be taken into consideration was that if these tables were revised the Railway would no doubt be asked to follow suit, and I am now in a position to say that the hon. Acting General Manager personally entirely endorses the view which is expressed in this report.

Coming to the amendments which we recommend to the second bill relating to new entrants into the Asian Civil Service—there are no amendments proposed to the other measure—the title of the bill and the title of the fund has been altered to one less cumbersome. The definition of beneficiary is altered to make it quite clear that the children of polygamous marriages rank as beneficiaries, but we have not met the Association's request with regard to wives of polygamous marriages. There is some difficulty in reconciling Mohammedan law with Hindu law in this matter. This particular clause was taken from Ceylon, and what we have done is we have asked Government to get in touch with the Government of India and ascertain what they have in regard to this particular subject. Clause 13 (6) deals with the irrevocability of an election made by a member who makes additional provision, and we have met the Association on that point and recommend that this sub-clause be altered so that where a member elects to increase his contribu-

(Mr. Brown) tions that election shall be revocable. Lastly, we have recommended that the discretion allowed to the Bombay agents under clauses 7 and 32 be taken away, as they are purely agents to perform routine work and are not concerned with matters of policy.

Mr. TROUGHTON seconded.

Mr. PATEL: Your Excellency, I am rising to oppose the report. I certainly congratulate the members of the select committee for recognizing the principle of doing justice to Kenya Asian Civil Servants enunciated in paragraph 5 of the report, which Government in the past failed to recognize or hesitated to accept. However, if the question of interest at 6 per cent is accepted on contributions by the Asian officers instead of 3½ per cent, I am sure the amending bill will be found unfair and the second bill will be found unnecessary. The reason for my opposition is this.

In the amending bill, the "Objects" state: "Actuarial examination has shown that the benefits provided under the Asiatic Widows and Orphans Pension Ordinance are out of proportion to the rate of contribution and it is therefore proposed to increase the rate from 4 per cent of the officers salary to 5 per cent. I submit that it is found necessary to increase the contribution because in the case of Asians the rate of interest so far allowed has been 3½ per cent and not as in the case of Europeans 6 per cent. I suppose at compound interest at 8 per cent. Now the principle is enunciated in paragraph 5 of the report: "We therefore recommend that Government should take immediate steps thoroughly to investigate the possibility of amending the tables at the end of this bill in order to provide that the pensions payable to the dependants of Asian officers shall be based upon the same assumption as to interest in the case of the corresponding tables of the European Widows and Orphans Pensions Scheme." If the rate of interest is to be considered on the same basis as that of European officers, investigation will show that it is not necessary to increase the contribution which is intended in the amending bill. At the same time, it will not be found necessary to operate two funds, the old and new fund.

Having enunciated this principle, I submit that the members of the select committee have not carried out their duties to a logical conclusion by their not postponing the submission of their report until the investigation is made in regard to the necessity or otherwise of the amending bill and the new bill on the application of a rate of interest at 6 per cent. I submit that unless it is necessary to pass these bills immediately, the adoption of this report should be postponed until the investigation is carried out on the assumption that the rate of interest will be allowed at 6 per cent as in the case of Europeans.

Mr. KASIM: Your Excellency, I associate myself with the hon. member Mr. Patel and suggest that the bills be postponed until the actuarial investigation has taken place.

Mr. TROUGHTON: Your Excellency, both the hon. Indian members who have spoken have suggested that this legislation should be postponed until a lengthy investigation, involving reference to the Government actuary in the United Kingdom among other things, has been completed. That is a view which Government cannot accept. The legislation which has been in force up to the present for providing for Asian widows and orphans pensions has been extremely makeshift legislation. It provides for pensions at a flat rate of £50 irrespective whether the contributor has had one year's service with Government or 30 years, irrespective whether he is married to a woman of 60 years or 30. It has proved completely unscientific, and it has been shown by actuarial examination that a very big deficit has accumulated and that that deficit is rapidly increasing.

The increase in the rate of contribution from four to five per cent will not wipe out that deficit, the old scheme will not be made self-supporting; it will still remain, in the opinion of the Government actuary, subject to a subsidy by the State in the fulness of time as soon as the number of beneficiaries has increased to the extent which it may be expected to do. Therefore I submit that Government must in duty bound and in fairness to the taxpayers of the Colony, get rid of this scheme at the first possible oppor-

[Mr. Troughton]

tunity and replace it by something better. We are replacing it by something better in the bill dealing with new entrants. If the committee's report is accepted, that new bill may itself only prove to be an interim measure, but it is at least an interim measure which has actuarial blessing as being sound in itself. I must support the motion.

The question was put and carried.

#### CROWN LANDS (AMENDMENT) BILL

##### FIRST READING

Mr. HARRAGIN moved, with the consent of His Excellency, that Standing Rules and Orders be suspended to enable the Crown Lands (Amendment) Bill to be passed through all its readings.

Mr. BROWN seconded.

The question was put and carried.

Standing Rules and Orders were suspended.

On the motion of Mr. Harragin the Bill was read a first time.

Mr. HARRAGIN: Your Excellency, I beg to move that the Bill be read a second time.

I owe you, Sir, and Council in general, a deep apology that you should be worried with this bill once more to-day. The fact of the matter is that I entirely overlooked one sentence in the Order in Council, which stated that if an amendment was to be made to the Crown Lands Ordinance or the Native Lands Trust Ordinance they should be reserved for the signification of His Majesty's pleasure.

It is, of course, in this particular case a formality, but it is one which it is impossible to overcome except in the method which is now being adopted. The bill is exactly the same as the Ordinance which this Council passed on the last occasion, save for the offending words now appearing in clause 1 of the bill.

I am only thankful that the bill is of one page only, so that I am only guilty of having probably wasted about 40 sheets of paper and a certain amount of hon. members' time.

The question was put and carried.

Mr. BROWN seconded.

#### BILLS

##### IN COMMITTEE

Mr. HARRAGIN moved that Council do resolve itself into committee of the whole Council to consider, clause by clause, the Crown Lands (Amendment) Bill and the War Risks Insurance (Amendment) Bill.

Mr. BROWN seconded.

The question was put and carried.

Council went into committee.

The Crown Lands (Amendment) Bill was considered clause by clause.

The War Risks Insurance (Amendment) Bill was considered clause by clause.

##### Clause 5

Mr. TROUGHTON: Your Excellency, I beg to move that clause 5 be deleted and the following clause substituted therefor: "5. Section 6 of the Principal Ordinance is hereby amended—(a) by deleting therefrom the figures '£1,000' wherever they appear in sub-section (1) thereof, and substituting therefor the figures '£500'; and (b) by deleting therefrom the proviso which appears after the word 'Ordinance' in the thirteenth line of sub-section (1) thereof, and substituting therefor the following proviso:—"Provided that goods, the value of which exceeds £500, situate in the Tanganyika Territory or in the Zanzibar Protectorate shall be insurable voluntarily under this Ordinance; but where, under the terms of this proviso, any goods have been voluntarily insured, such goods shall thereafter be deemed to be compulsorily insurable under this Ordinance for so long as the ownership thereof vests in the person who originally insured such goods voluntarily."

The effect of this amendment is simply this. Under the law as it stands, it is possible for Kenya firms owning goods in Tanganyika to insure them voluntarily. It is now proposed to extend that right of voluntary insurance to Zanzibar. The second effect is that once a person or firm decides voluntarily to insure goods in one or other of the territories, it is compulsory on them to keep them insured. A firm cannot insure for a month and then change its mind.

The question of the amendment was put and carried.

## Clause 7

Mr. TROUGHTON: Your Excellency, I beg to move that the following new clause be inserted as clause 7 and that the existing clauses 7 and 8 be renumbered as 8 and 9 respectively: "7. Section 12 of the Principal Ordinance is hereby amended by inserting therein, between the word 'consent' and the word 'of' which appear in the second line thereof, the words 'of the Chairman'."

The effect is quite simple. Section 12 of the Principal Ordinance says that prosecutions may only be taken with the consent of the board. Members of the board live in Kenya and Uganda, and it is difficult to convene a meeting of them, and very often the matter of prosecutions are only a formality; and this amendment provides that the chairman can exercise consent on behalf of the board and the board will concur in it.

The question of the amendment was put and carried.

Mr. HARRAGIN moved that the Crown Lands (Amendment) Bill be reported without amendment and the War Risks Insurance (Amendment) Bill with amendment.

Council resumed its sitting.

His Excellency reported accordingly.

## THIRD READINGS

Mr. HARRAGIN moved that the Increased Production of Crops Bill, the Land and Agricultural Bank (Amendment) Bill, the Crown Lands (Amendment) Bill, the War Risks Insurance (Amendment) Bill, the Asiatic Widows and Orphans Pension (Amendment) Bill, and the Asian Officers Family Pensions Bill be read the third time and passed.

Mr. BROWN seconded.

The question was put and carried, and the bills respectively read the third time and passed.

## ADJOURNMENT

Council adjourned to a date to be notified.

## Tuesday, 18th August, 1942

Council reassembled at the Memorial Hall, Nairobi, at 11 a.m. on Tuesday, 18th August, 1942. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

Absent: Hon. Shamsud-Deen (Central Area).

His Excellency opened the Council with prayer.

## ADMINISTRATION OF OATH

The Oath of Allegiance was administered to:—

—E. R. E. Surridge, Esq., Acting Chief Secretary.

R. E. Robins, Esq., C.M.G., O.B.E., General Manager, K.U.R. & H.

A. Vincent, Esq., Nairobi South.

Soud bin Ali, Nominated Arab representative.

## PRESENTATION OF INSIGNIA

By Command of His Majesty the King, His Excellency presented the insignia of—

Companions of the Most Distinguished Order of Saint Michael and Saint George to the Hon. L. Tester, M.C., Hon. J. C. Stronach, and Hon. S. O. V. Hodge;

Commander of the Most Excellent Order of the British Empire to A. Dalton, Esq.;

Officer of the Most Excellent Order of the British Empire to Capt. J. H. Clive;

Member of the Most Excellent Order of the British Empire to M. Naughton, Esq.;

and British Empire Medals to Mr. A. U. Patel and Mr. C. Varma.

## OBITUARY

THE LATE HON. J. B. PANDYA, C.B.E.

His Excellency delivered the following communication from the Chair respecting the death on the 3rd August, 1942, at Bombay of the Hon. J. B. Pandya, C.B.E., Elected Member for Eastern Area, in tribute to whose memory Council stood in silence:—

Honourable Members: It is with the deepest regret that I have to refer to the great loss which this Council and

[H.E. the Governor]

the country generally have suffered by the untimely death of one of our members, Mr. J. B. Pandya, who died of heart failure in Bombay on the 3rd of August.

The Indian community has lost one of its leading representatives who staunchly upheld its interests and rendered great service to it over many years. The country has lost a citizen whose distinguished services and wise counsel have proved of great value to Kenya. He can ill be spared in these difficult days.

I know that you would all wish that we should this morning offer our sympathy to his bereaved family, and I feel that as a token of this sympathy and as a tribute to his memory hon. members will wish to remain standing in silence for a few moments.

## MINUTES

The minutes of the meeting of 23rd April, 1942, were confirmed.

## PAPERS LAID

The following papers were laid on the table:—

BY THE ACTING CHIEF SECRETARY (MR. SURRIDGE):

Certificate under the Legislative Council (War Provisions) Ordinance, 1941.

Colonial Audit Department Annual Report, 1940, with Kenya Despatch No. 70 and Report of Director of Colonial Audit.

Report of Committee on Police Terms of Service.

Kenya Police Annual Report, 1941.

BY THE ATTORNEY GENERAL (MR. HARRAGIN):

Transport Licensing Board Annual Report, 1941.

BY THE FINANCIAL SECRETARY (MR. TESTER):

Financial Report and Statement for 1941.

Schedules of Additional Provision Nos. 1 and 2 of 1942.

BY THE DIRECTOR OF AGRICULTURE (MR. BLUNT):

Agricultural Department Annual Report, 1941.

BY THE GENERAL MANAGER, K.U.R. & H. (MR. ROBINS):

Report on the Administration of Railways and Harbours for 1941.

2nd Supplementary Estimates, K.U.R. & H., 1941.

BY THE DIRECTOR OF PUBLIC WORKS (MR. STRONACH):

Public Works Department Annual Report, 1941.

BY THE COMMISSIONER OF CUSTOMS (MR. NORTHROP):

Annual Trade Report of Kenya and Uganda, 1941.

BY THE COMMISSIONER FOR LANDS AND SETTLEMENT (MR. MORTIMER):

Quarterly Return of Land Grants, April-June, 1942.

BY THE HON. G. B. HEDDEN (Postmaster-General):

Posts and Telegraphs Department Annual Report, 1941.

BY THE HON. R. PEDRAZA (Commissioner of Mines):

Mining and Geological Department Annual Report, 1941.

## BILLS

## FIRST READINGS

On the motion of Mr. Harragin, the following Bills were read a first time:—

Traffic (Amendment) Bill.

Native Poll Tax Bill.

Native Trust Fund Bill.

Excise Duties (Amendment) Bill.

Pharmacy and Poisons Bill.

Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill.

Native Tribunals (Amendment) Bill.

Native Lands Trust (Amendment) Bill.

Alteration of Time Bill.

King George V Memorial Bill.

Notice was given to move the subsequent readings at a later stage of the session.

## ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 19th August, 1942.

**Wednesday, 19th August, 1942**

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 19th August, 1942. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

**MINUTES**

The minutes of the meeting of Tuesday, 18th August, 1942, were confirmed.

**PAPERS LAID**

Schedule of Additional Provision No. 5 of 1941 was laid on the table by Mr. Tester.

**NOTICES OF MOTION**

Mr. TESTER gave notice that at a later stage he would move that Schedule of Additional Provision No. 5 of 1941 be referred to the Standing Finance Committee.

Mr. WRIGHT (Aberdare) gave notice of the following motion:—

"That this Council is of opinion that the present system of maize control has proved a failure and requests Government to devise some simple and efficacious system of control in its place."

**ORAL ANSWERS TO QUESTIONS****No. 17—MTONGWE FERRY**

Mr. COOKE (Coast):

Who is responsible for the reasonable requirements of the users of the Mtongwe (Mombasa) Ferry, with particular reference to the following points:—

- Adequate shelter for passengers waiting on the Island side?
- Adequate tarpaulin covering on the ferry itself?
- Proper and safe condition of the landing stage on the mainland?

2. Will Government take immediate steps to assure that whoever is responsible will attend to these matters without delay?

Mr. SIRONACH: 1. (a) The Mtongwe Ferry Service is operated by the Kenya Bus Services, Limited, under contract let by the Government. The service includes facilities on the island side which are rented by the contractors from the K.U.R. & H. Administration. Although the agreement places no obligation on the contractors to provide shelters for waiting passengers, the contractors have in fact provided a shelter.

(b) The contractors are responsible for the reasonable comfort of passengers on the ferries.

(c) The contract makes no provision for a fixed landing stage on the mainland side.

2. As regards the improvement of existing facilities, in view of the conditions arising from the war, the Government does not propose to press the contractors to provide increased facilities for the comfort of their passengers; nor does it consider it essential that a landing stage be provided in present circumstances.

**No. 18—ARAB EDUCATION**

SHERIFF ABDULLA SALIM (Arab Elected Member):

(a) In view of the fact that the teaching in the Arab Girls' School, Mombasa, is very unsatisfactory, will the Hon. Director of Education appoint a sub-committee of the Advisory Council on Arab Education to examine the curriculum and syllabus of that school?

(b) Will the Hon. Director of Education state the result of his efforts to obtain qualified teachers from Palestine to teach Arabic in Arab schools?

DIRECTOR OF EDUCATION (Mr. Lacey):

(a) The Government does not agree that the teaching in the Arab Girls' School is very unsatisfactory, more particularly when the difficulty of recruiting trained Arab female teachers is considered. A detailed report on the school has been called for and will be submitted to the Advisory Council on Arab Education.

(b) The Government has been unsuccessful in its attempt to obtain qualified teachers from Palestine, but the

(Mr. Lacey) Zanzibar Government has recently opened a school for the training of Arab teachers and it is hoped that a few students from Kenya will be offered vacancies in it in 1943.

**No. 19—CRIME IN MOMBASA**

SHERIFF ABDULLA SALIM:

With reference to my question No. 45 of 1941, will Government now state the result of the investigation which has been conducted by police officers in Mombasa in respect of the cases of one double murder, robbery accompanied by unlawful wounding, and robbery with violence in and near Mombasa?

Mr. SURRIDGE: The case of double murder is still under investigation by the police, who have been unable so far to effect an arrest. The accused in the case of robbery accompanied by unlawful wounding was convicted in the Supreme Court at Mombasa on the 3rd of July and sentenced to six years' imprisonment with hard labour. As regards the case of robbery with violence, the police, despite prolonged investigation, have not been able to obtain sufficient evidence to justify a charge.

**No. 20—ARAB TERMS OF SERVICE**

SHERIFF ABDULLA SALIM:

What action has been taken on the report and recommendations of the Arab Terms of Service Committee as submitted to Government in April, 1941?

Mr. SURRIDGE: The report of the Committee has been very carefully examined by Government, latterly, in consultation with the Chairman of the Committee. As a result of this consideration, the report has been referred back to the Committee for re-examination of certain aspects of their recommendations. A further report from the Committee is expected shortly.

**No. 21—PAYMENT OF ELECTED MEMBERS**

Mr. SHAMSUD-DEEN (Central Area):

Will Government please state:

- How many members of the Legislative Council are employed on "a whole time job" by the Government, the nature of their duties,

and the emoluments drawn by them individually?

(b) If such members draw their allowances for attending the Legislative Council meetings, and various other meetings of committees of the Legislative Council, etc.?

Mr. SURRIDGE: The answer to the first part of the question is three, excluding Government officers. Of these, Major Cavendish-Bentinck receives £800 a year as Chairman of the Agricultural Production and Settlement Board, Mr. Isher Dass £600 a year as Deputy Director, Indian Man Power, and Mr. Montgomery gives his services free as Deputy Director of Man and Woman Power, Chairman of the K.D.F. Exemption Tribunal and member of the Advisory Committee on Information.

The answer to the second part of the question is in the affirmative.

**No. 26—POST-WAR TRAINING**

Mr. COOKE:

Has Government accepted all or any of the recommendations of the Vocational Training of Europeans Committee? If so, are practical steps now being taken to enable those recommendations to be brought into effect as soon as hostilities cease? If not, why not?

Mr. SURRIDGE: The Government has given consideration to the recommendations of the Committee and has called for reports from Heads of Departments on the proposals that affect their departments.

When these have been received the Government will decide what action should be taken to implement the Committee's proposals. Meanwhile it may be said that the proposals in (a) and (g) of paragraph 34 of the Committee's report have been acted upon as the result of recommendations made by the post-war employment committee appointed by Government Notice No. 498/1941.

**No. 27—ARAB AND AFRICAN TERMS OF SERVICE**

Mr. COOKE:

Has Government accepted all or any of the recommendations of the Arab and African Terms of Service Committee?

[Mr. Cooke]

If so, and in view of the unconscionable delay that has already occurred, will Government take immediate steps to bring into effect these recommendations?

If not, why not?

With regard to the Provident Fund recommended by the Committee will Government, in view of the delay that has taken place, adopt the proposals of the Tanganyika Government, actuated by a similar delay, to the effect that a bonus equal to the amount a depositor would have paid had the fund existed ten years ago will be provided to his credit out of the revenues of the Colony?

MR. SURREIDGE: With reference to the first three parts of the question, I would invite the attention of the hon. member to the reply to question No. 20.

2. As regards the 4th part of the question, the suggestion made by the hon. member will be borne in mind when legislation to set up a Provident Fund for Arab and African civil servants is being prepared. The proposal in paragraph 11 of the report of the Arab and African Terms of Service Committee is at present the subject of correspondence with the Secretary of State.

#### No. 29—MEAT CONTROL

MR. COOKE:

Has the Meat Control purchased bullocks from European and African farmers at a price considerably less than it re-sells to the military forces?

If so, has a "pool" in consequence been established and what is the present amount of that "pool"?

Is it proposed to use the money accumulated in the pool to promote the cattle industry of this Colony?

If so, will not such an arrangement amount to the subsidisation of the Kenya cattle industry at the expense of the British taxpayer?

If not, for what purposes will these moneys be expended?

MR. TESTER: The Live Stock Control has purchased slaughter cattle from non-native and native farmers at lower prices than those at which it re-sells to the military forces.

2. Profits have thus been accumulated amounting to Sh. 646,578/69 at 30th June, 1942.

3. The disposal of the profits derived from transactions relating to slaughter cattle bought from natives, which make up practically the whole of the above sum, will be a matter for the decision of the Governor in Council at a later date in consultation with the Military Authorities; in the meantime the retention of these profits by the Control is necessary to cover contingent risks such as outbreaks of disease in the large stocks of native cattle which are of necessity held for considerable periods by the Control.

#### No. 30—REQUISITIONING OF BULLOCKS

MR. COOKE:

Is it a fact that bullocks requisitioned from Africans for meat for the troops have subsequently been sold or exchanged to European farmers to be used as trek oxen?

If so, was this arrangement made with the knowledge and consent of the Kenya Government?

If not, will Government order an immediate inquiry into the allegations that this has taken place?

In any case, will Government take immediate steps to obviate the possibility of such an undesirable practice?

MR. TESTER: Bullocks purchased from Africans for meat for the troops have been sold to European farmers to be trained for use as trek oxen and such bullocks were also exchanged for cattle belonging to European farmers, such cattle being sold for meat for the troops.

2. This arrangement was put into effect without the knowledge of the Government. When the Government became aware of the arrangement an inquiry was made with the result that an order under Defence Regulations (Government Notice No. 253 of 16th March, 1942) was issued controlling the sale and purchase of trek oxen, whether bought by the Control or requisitioned for it. This order has been replaced by the Defence (Live Stock Control) Regulations, 1942.

[Mr. Tester]

dated the 1st of August, 1942 and published as Government Notice No. 723 of 1942.

3. The Government considers that under the safeguards provided by the Regulations, the requisitioning of cattle for the purpose of being trained as trek oxen is desirable in view of the necessity for increased agricultural production.

#### No. 31—EMPLOYMENT OF RETIRED ADMINISTRATIVE OFFICERS

MR. COOKE:

Will Government state the procedure followed in re-employing ex-officers of the Administration—are they normally posted as district commissioners in charge of districts or as district officers?

How many cases of the former postings have occurred?

Is it not entirely undesirable to post such officers as district commissioners to the detriment of serving officers who are capable of filling such posts and who are now employed in junior positions?

Will Government state the number of administrative officers of over 10 years standing who are at present not in charge of districts as district commissioners?

And will they make full use of these men while they are still young and keen?

MR. SURREIDGE: (a) The normal procedure in re-employing retired officers of the Administration is to post them as district officers.

(b) One retired officer, who originally served in Kenya and was later a provincial commissioner in Tanganyika for a number of years, has recently been posted as District Commissioner, Kitui, his old station. Another retired officer served as District Commissioner, Eldoret, for some five months and is now serving as a district officer. Two other retired officers are serving as district officers.

(c) Government does not consider that it is entirely undesirable to post such officers as district commissioners.

(d) Eight officers of over 10 years standing are at present employed in the

provincial administration as district officers and are not in charge of districts.

(e) The answer to the last part of the question is in the affirmative. Full use is being made of these eight officers who, although not in actual charge of districts, are yet doing valuable work in posts in which their responsibilities have increased during the war.

#### No. 34—MATHARI MENTAL HOSPITAL MR. KASIM (Western Area):

Will Government state if it is a fact that, owing to inadequate accommodation at the Mathari Mental Hospital, a number of patients have been refused admittance?

If the reply is in the affirmative, will Government state the number of European, Indian, and African patients who have been refused admittance?

In view of the shortage of building materials, will Government consider the provision of at least temporary buildings to accommodate patients on the waiting list?

DIRECTOR OF MEDICAL SERVICES (Dr. Paterson): 1 The answer to the first part of the question is in the affirmative.

2. No European patients have been refused admittance. During the past few months three Asian male adults have been refused admission, and one Asian female child. As a general rule, an average of about five African males are detained in the hospital at the Nairobi Prison for varying periods pending transfer to Mathari when accommodation becomes available for them there.

3. Accommodation for an additional 30 African patients has been under construction for some time, but its completion has been delayed owing to shortage of building material. It is expected, however, that this accommodation will be available by the end of September.

Plans have been prepared for the provision of additional accommodation of a permanent character for Asians, and the project is now under active consideration by Government.

It may be noted that buildings of temporary construction are not suitable for the purpose of a mental hospital and Government desires to provide permanent buildings if possible.



## No. 36—COST OF LIVING

MR. KASIM:

While appreciating Government's gesture in appointing a committee to enquire into and report upon whether the essentials of life are within the economic capacity of the officers of Government and of the Kenya and Uganda Railways and Harbours—Europeans, Asians and Africans in the lower grades—is Government aware of the fact that strong resentment is felt at the inadequate terms of reference of the committee?

Will Government consider the widening of the terms of reference of this committee?

MR. SURREIDGE: As regards the first part of the question, the Government is aware that the view has been expressed in certain quarters that the terms of reference of the committee are inadequate.

The answer to the second part of the question is in the negative. The terms of reference received careful consideration before they were settled.

## SUSPENSION OF STANDING ORDERS

With the consent of His Excellency under Standing Rule and Order No. 103, Mr. Harragin moved that Standing Rules and Orders be suspended to enable the Customs (Special Duty on Petrol) Bill to be taken through all its stages at this sitting.

MR. BROWN (Solicitor General) seconded.

The question was put and carried, and Standing Rules and Orders were suspended.

## CUSTOMS (SPECIAL DUTY ON PETROL) BILL

## FIRST READING

On the motion of Mr. Harragin the Customs (Special Duty on Petrol) Bill was read a first time.

## SECOND READING

MR. NORTHROP (Commissioner of Customs): Your Excellency, I beg to move that the bill be read a second time.

The proposed effect of this bill is to increase the duty on petrol by 5 cents a gallon for a limited period and to pass the additional duty on to the consumer. The effect of this measure is this. At the request of His Majesty's Government in the United Kingdom the oil companies in Kenya were required to carry out certain emergency work in order to safeguard the supply of petroleum products for East Africa. For reasons of security I will not explain what these measures were nor why they were necessary. The total cost of the work is £60,000, and the United Kingdom Government will pay two-thirds, £40,000, and the balance, £20,000, will be paid by the East African Governments. The other East African Governments will share in this cost for the reason that their supplies of petrol will similarly be safeguarded. Hon. members will observe that clause 3 of the bill allows the Governor in Council by order to repeal this measure at any time, and it is the intention of the East African Governments to withdraw this special duty as soon as the work has been paid for. It may be desirable for me to explain—and I hope I am not trespassing on the preserves of my hon. friend the Financial Secretary—why this amount of £20,000, a comparatively small amount, should not be taken from general revenue. It is the opinion of the East African Governments that this portion of the cost should be the particular concern of the petrol consumers. The work in question will not only represent a war time measure but will be of some permanent value in peace time; for instance, in connexion with sabotage. It cannot be seriously argued that this additional burden will be heavy at 5 cents a gallon either to consumers on productive work or by consumption otherwise, particularly in view of the low rations now allowed under the Petrol Control. In short, this is an inter-territorial matter, the expenditure is necessary, the burden imposed by the measure on the petrol consumer is light, and the benefit of the scheme should be permanent.

MR. HARRAGIN seconded.

MAJOR CAVENDISH-BENTINCK (Nairobi North): Your Excellency, I am afraid that I am rising to oppose this bill, which

[Major Cavendish-Bentinck]

I think is unnecessary, and I think displays a tendency for doing things in the wrong way. I do not think anybody can contest the probable necessity of undertaking this work. My only astonishment is that it was not done some time ago and that we had, in the words of the hon. mover, to await instructions from His Majesty's Government at home, because it was not done by ourselves a long time ago. Be that as it may, this is a defensive measure and is taken in the interests of the country, but also, I may add, in the interests of the owners of the petrol, the petrol companies. I admit that recently these petrol companies have had considerable losses throughout the world, but I also remember that in the early stages of the war, before really active operations had taken place, these petrol companies adopted an attitude of aloofness from world affairs, and any expenditure they were put to to protect their own property they took jolly good care to pass on to somebody else. That attitude they have maintained throughout, and there is not a doubt but that they will retain it in this country. However, if it is a defensive measure, as it is—as I cannot admit that we are likely to suffer very much from sabotage after the war is over—if it is defensive it should be paid for like others have been. If two-thirds of the cost are to be paid by the United Kingdom Government on behalf of the military forces, the remainder should be paid for out of general revenue by the three Governments concerned, like any other defensive measure.

I cannot see, more especially to-day, when petrol users are cut down and can only obtain permits to purchase petrol for legitimate purposes of work and so on, why there should be put on those unfortunate people even what may be the modest burden of 5 cents a gallon, but which is in effect £20,000. Furthermore, I cannot see why we should have a suspension of Standing Orders to bring in a bill of this kind. It is said that it is the opinion of the East African Governments that this expenditure is the concern of the petrol consumers. Well, it may be the opinion of the East African Governments, but they have never con-

sulted the consumers as none of us knew anything about it at all. It is usual to suspend Standing Orders in order to bring in increases in customs duties and thus to prevent people from gambling beforehand, or immediately they understand some differentiation of customs duties is on the tapis to take advantage of it through commercial houses and so on. But in this case the position does not arise, because people are only allowed to buy petrol as against a coupon, and furthermore they cannot gamble in petrol because it all belongs to the petrol companies. I think we should have been consulted about this, and I think this Council had a right to express its opinion before the East African Governments had taken this decision. I am entirely opposed to this bill.

DR. WILSON (Native Interests): Your Excellency, I only rise to say that I agree with every word the hon. Member for Nairobi North has said. This is a perfectly straightforward defence measure and might be paid for out of the funds accumulated for that express purpose. I was very disappointed at the speech of the hon. mover. He, to my mind, made out no case at all that this charge should come on the petrol consumers. I shall vote against the motion.

MR. ISHER DASS (Central Area): Your Excellency, the hon. Indian members agree with the remarks of the hon. Member for Nairobi North, and see no justification for the imposition of this 5 cents extra while the work is in the interests of the petrol companies themselves. I think the companies concerned should pay.

COL. KIRKWOOD (Trans Nzola): Your Excellency, I rise also to support the speech of the hon. Member for Nairobi North. I cannot understand why the petrol companies are not asked to pay something towards the protection of their own property. It is not usual for Government and the consumer to be compelled to pay for the protection of commercial firms and relieve them of what is a just liability for themselves to face. The petrol tax will be 25 cents and 20 cents, and 5 cents in Tanganyika and Uganda. For that reason I intend to vote against the bill.

COL. GROGAN (Ukamba): Your Excellency—I also support the general contention, that this is a gross fraud on the community. In the case of the air raid precautions in the country, the big hotels were compelled to pay the whole cost of those precautionary measures and were not allowed to pass on the charge to their customers. Why these privileged gangs of rascals (laughter) should be put in a different category I fail to understand. I suppose the next stage will be some special levy raised on overdrafts to put up special protection for the banks. There does not seem any limit to this kind of thing.

MR. TESIAR: Your Excellency, it is very evident from the attitude of hon. members opposite that they consider that in cases of this nature the tax should not be borne by the consumer but by Government, and I feel sure Government will pay the greatest attention to that feeling if a further occasion arises for recovery of money spent in this way. In regard to the question of the 5 cents increase in the price of petrol to the oil companies owing to the imposition of a petrol tax, it has been discussed with the other Governments, and they have agreed in the opinion that to recover from the consumer by increasing the price is the best way of doing it, and to recover from the consumer has been the practice adopted in other territories and in the United Kingdom. It does seem to me that on the face of it this method of dealing with it appears to give a great benefit to the oil companies as such in a way not given to other proprietors, and this Government has not been informed of the reason why throughout the Empire this system has been adopted. There may be services rendered by the oil companies of which we are not aware. In all the circumstances and in view of the precedents and agreement with other Governments, I think all we can do is to accept this notion.

MR. NICOL (Mombasa): Your Excellency, I am afraid that I cannot agree at all with the hon. Financial Secretary. Of course the other Governments would agree, it is a nice simple way out, but there is no reason on earth why we

should agree. If it is a definite defence measure made necessary by the war, war taxation is levied to pay for such matters, and I fail to see why one particular item should be hurled against the consumer, which is a small section of the community, and as to the purchase of petrol we should not forget that to perform essential work in the war effort they not only purchase ordinary commodities but do such extra duties as A.R.P., and I really cannot see any justification at all for saying that the companies have had to make this defence measure and that we have got to charge it up against the consumer. It is definitely a matter which should be borne by Government funds raised by war taxation for the purpose of paying for the war.

MRS. WATKINS (Kiambu): Your Excellency, I do not think that our recent history of the Empire shows appeasement in any form is advisable, and I do not see why appeasement of the oil companies should go any further. I think this is a good point to take a stand. We have just heard that the other utility companies, the Electric Light Co. and the Railway, and others have paid for their various precautions without passing it on direct to the public, but out of their reserves. It is not a question as to whether it is an economic proposition, perhaps the companies do not care whether the petrol is blown up; it is a war necessity that firms should protect such services as are vital to the war effort, and all firms should be on a par. I see no reason for being forced by the oil companies to place them on a different footing, for the sole reason that they are rich and powerful and choose to force the issue.

MR. VINCENT (Nairobi South): Your Excellency, this is purely a matter of principle, I do not think the interests of the oil companies enter into the matter at all. Here you have an example of an instruction received from home to carry out certain protective measures for the protection of supplies of this country. In the ordinary course of the development of war emergency services here we have had also to give effect to other services in regard to the distribution of

(Mr. Vincent) petrol which occasion loss in evaporation and in other expenses. It is purely a question of principle. Matters affecting the war should be regarded as a whole and they generally are, and I can see no reason why we should now be faced with a special tax for the specific carrying out of an instruction from home. The petrol companies may not agree with the expenditure, they may not agree that it does give the protection it is alleged to give, but I do not think that matters. I think we are dealing with a matter of principle, and if we are going to try on every occasion to pin down some poor wretched portion of the community to direct expenditure because they happen only at a tangent come into the picture, then I am afraid all matters of principle disappear.

I cannot believe that the other Governments as such have given this serious consideration. I believe it was a case of "Well, another 5 cents on petrol doesn't matter, that will take care of this", and that concluded the subject. I agree with the other hon. members on this side of Council that it is a question of principle which we are fighting for, not a question of personalities or companies, and that the burden should be shared equally out of the total war funds. (Applause.)

MR. NORTHROP: Your Excellency, it has been stated by hon. members on the other side of Council that this measure should have been paid for by the oil companies. In principle, the method we have adopted means very much the same thing. In England, on a similar construction, it is usual for the Treasury to pay one half of the expenditure and for the other half of the expenditure to be paid for by the oil companies. At the same time, the oil companies are allowed to pass on their part of the expenditure to the consumer. In this case we are similarly passing on the amount to the purchaser of petrol and at the same time we can withdraw it at a certain moment—when we have arrived at the figure we wish, whereas it is a much more difficult matter to reduce the cost of petrol when it is increased administratively by the petrol companies even if with the assistance of Government. Similarly, these 5 cents a gallon might

very well have been put on by Government under its Price Control Regulations, and I think that would have been accepted without comment. In fact, I suggest that members of the community would have been quite glad to have paid when one considers all the difficulties of getting petrol in war time. (Col. Grogan: What about price control?) The hon. Financial Secretary has explained the position with regard to the financial side of this matter. The question has been stressed by hon. members on the other side that the amount should be taken from general revenue; the reply to this is that the Governments are of opinion that it should be paid for by the consumer. (Mr. Nicol: They are not infallible.)

The question was put and carried by 20 votes to 17, Council dividing:—

Ayes—Messrs. Blunt, Brown, Daubney, Fazan, Gardner, Harragin, Hebdon, Hodge, Hosking, Izard, Lacey, Mortimer, Northrop, Paterson, Pedrza, Robins, Stronach, Surrledge, Tester, Tomkinson, 20.

Noes—Major Cavendish-Bentinck, Mr. Cooke, Lady Sidney Farrar, Col. Gherrie, Col. Grogan, Mr. Isher Dass, Mr. Kasim, Col. Kirkwood, Mr. Nicol, Mr. Patel, Lord Francis Scott, Sheriff Abdulla Salim, Mr. Soud bin Ali, Mr. Vincent, Mrs. Watkins, Dr. Wilson, Mr. Wright, 17.

On the motion of Mr. Harragin Council resolved itself into committee of the whole Council to consider the bill clause by clause.

Council went into committee.

The bill was considered clause by clause.

MR. HARRAGIN moved that the bill be reported without amendment.

Council resumed its sitting, and His Excellency reported accordingly.

#### THIRD READING

MR. HARRAGIN moved that the bill be read the third time and passed.

MR. BROWN seconded.

The question was put and carried, and the bill read accordingly.

### SCHEDULES OF ADDITIONAL PROVISION

No. 4 of 1941

MR. SERRIDGE: Your Excellency, I beg to move that the Standing Finance Committee report on Schedule of Additional Provision No. 4 of 1941 be adopted. The expenditure in this Schedule covered the period 1st October to 31st December, 1941. The total of additional expenditure, amounting to over £681,000, appears formidable, but it includes the sum of £500,000 transferred to a reserve account and loaned free of interest to His Majesty's Government. The sum of £2,199 provided under Joint Services should be reimbursed by the other East African Governments. Hon. members will see that further progress was made with the farm school and training farm at Njoro and a sum of £12,455 provided from revenue in anticipation of a loan.

MR. HARRAGIN seconded.

The question was put and carried.

NOS. 1 AND 2 OF 1942

MR. TESTER: Your Excellency, I beg to move that Schedules of Additional Provision Nos. 1 and 2 of 1942 be referred to the Standing Finance Committee.

MR. HARRAGIN seconded.

The question was put and carried.

### AGRICULTURAL ADVANCES ORDINANCE, 1930

ADVANCES WAIVED

MR. TESTER: Your Excellency, I beg to move: That this Council approves of recovery being waived of a sum of £1,620-18-44 advanced under the provisions of the Agricultural Advances Ordinance, 1930.

The Land and Agricultural Bank of Kenya, who act as agents for Government in relation to the transactions under the Agricultural Advances Ordinance, 1930, have recommended to Government that in respect of four farms this sum of £1,620 odd should be written off. The Board of the Land Bank are satisfied in making their recommendation that every reasonable step has been taken to recover the sums advanced and that

this sum, which includes £64 odd as interest, must be regarded as a bad debt to be written off, and that recovery should be waived.

MR. HARRAGIN seconded.

The question was put and carried.

### INTERIM PENSION

MR. TESTER: Your Excellency, I beg to move: That this Council approves the payment until further notice of a provisional interim pension at the rate of £132-1-8 a year with effect from the 23rd May, 1942, inclusive, to Mr. L. O. E. Stenmark, formerly mechanic, Veterinary Department, in respect of his service from the 28th August, 1921, to the 22nd May, 1942, both days inclusive, in lieu of (a) his own and Government contributions to the Provident Fund plus the interest thereon, amounting in all to £733-5-9, which would revert to the general revenues of the Colony, and (b) the gratuity of £182-9-10 which would normally have been awarded to him as a non-pensionable official.

This resolution, Your Excellency, raises a new question of principle, and for that reason it is necessary for me to give a fuller explanation than ordinarily occurs in a pension resolution of this nature.

Hon. members are aware that the Kenya European Local Civil Service Committee, which reported in 1939, expressed the view that a provident fund did not provide adequate retiring benefits and recommended that Government should press on with its contributory pension scheme for the Kenya Local Civil Service, the object being to avoid a man or woman who has retired from the Service and has spent the gratuity from the Provident Fund being left destitute. Government accepted this recommendation of the committee, and a contributory pension scheme will be submitted to this Council as soon as the Government actuary in London has been able to draw up the statistical and financial implications of such a scheme. That will take some considerable time; actuarial computations always take some time, and during the war it is quite obvious that they will take longer. That is what happened arising from the com-

[Mr. Tester]

In 1941 the European Civil Servants Association made representations that the delay was unfair to those officers who might be forced to retire before the scheme came into effect. After careful consideration, and after discussion in Executive Council, it was decided to invite the Council to approve the granting of interim pensions to such officers of over 10 years' service who retired on grounds other than misconduct. These interim pensions will be subject to revision as and when the proposed contributory pension scheme comes into effect. It is not expected that there will be many of these interim pension schemes owing to the fact that retirements, except in cases of ill-health and for quite extraordinary reasons, are not permitted during the war. The person to whom such an interim pension is awarded must surrender to the Government all claim in respect of either his own or the Government's contributions to the provident fund and all claim to the gratuity of one week's pay for each year's service which is normally granted to non-pensionable officers on retirement.

I will now refer to the basis on which the provisional interim pension is calculated. Hon. members will know that a Railway contributory pension scheme has recently come into operation, and it seems to me quite obvious that if a contributory pension scheme for Government European Local Civil Servants is introduced it must follow more or less the same lines. I think that is obvious, because the same actuaries who worked out the Railway scheme are working out the Government scheme. The idea is that the interim pension should be three-quarters of the pension that would have been awarded had the officer served under the Railway contributory pension scheme. I consider that the award of this interim pension is justified. It is common knowledge that the provident fund provides a lump sum that is only too easily spent, whereas a pension, even if it be only a small one, assures the holder of something to support him for the rest of his life. In this particular case, Mr. Stenmark, who has been allowed to retire, is 62 years old, and the head of his

department advises that despite the present shortage of man power his resignation should be accepted. He has done just over 20 years' service.

MR. HARRAGIN seconded.

The question was put and carried.

### PURCHASE OF 1942 WOOL CLIP

MR. TESTER: Your Excellency, I beg to move: That this Council approves of an advance amounting to £60,000 being made from the general revenue and other funds of the Colony and Protectorate of Kenya to the Wool Control free of interest in order to finance the purchase, transport and storage of the 1942 wool clip.

Hon. members will remember that a similar course to that now proposed was carried out in connexion with the 1941 wool clip; £76,000 was advanced and has all been repaid. Council is now asked to approve that precisely similar procedure should be followed in connexion with the 1942 clip. It is proposed to pay out to wool farmers 55 cents a lb. on the delivery of the wool and a contract has been made with a firm in the United States at 9½d. for the clip that can be shipped before the end of December. The contract was not made for the whole clip because there are signs that the price of wool is increasing and the British Government is understood to be increasing the price by 15 per cent. In these circumstances the Advisory Wool Board decided that they would make the contract until the end of December. I consider this advance is thoroughly justified in present conditions because we are very much tied as regards shipping and also purchases: it is impossible for appraisers to come here and go to the various farms to buy small lots in war time, and for that reason I think purchase by the Control should be permitted in the circumstances of the advance to the Control.

MR. HARRAGIN seconded.

The question was put and carried.

### WAR LOANS

MR. TESTER: Your Excellency, I beg to move: Be it resolved that, under section 2 of the War Loan Ordinance,

[Mr. Tester]

1940, this Council authorizes the raising of further loans not exceeding £500,000 by the issue, whether within or without the Colony, of registered bonds.

It is not quite four months since this Council authorized the raising of further loans under the war loan legislation, which brought the total amount authorized up to £3,500,000. The sum of £3,500,000 has not yet been reached, but it appears from the active interest being taken in war savings at the moment, especially in view of the new movement in Tanganyika, that the sum soon will be reached. The total up to date is £3,388,000, and very shortly our limit which now exists will be reached. This is an achievement which I think East Africa can compliment itself upon. I should like to draw hon. members' attention particularly to the Class "B" bonds, which are for the poorer investor and the subscriptions in which during the issue of the original loan amounted to £35,000 a month. The new issue was launched in March last and since that time the average monthly investment in "B" bonds has been about £50,000; so I think it can be said that, taking it all in all, the scheme has been a success and has gone a long way to achieve its object. I hope that the £500,000 now suggested will not be the last that I shall have the honour of asking Council to vote.

MR. HARRAGIN seconded.

MR. NICOL: Your Excellency, I rise to move an amendment and my amendment reads: "That the figure of £500,000 appearing in the motion be altered to £750,000."

The fact that it is necessary to come to Council for an increase in this loan figure so soon after the last target figure was fixed is a sure sign that all communities of Kenya and East Africa are very definitely saving conscious. Nevertheless we have got to save and save and save; in fact I think I quoted some time ago here a speech of Lord Mottison in which he said "we have got to stint ourselves in everything except saving". And with this saving consciousness of the people of East Africa I predict that it will not be long before my hon. friend the Financial Secretary will have the pleasure of

coming to Council and asking for a still further increase. As my hon. friend has said, savings are coming in at approximately £50,000 a month; that is, we have really been averaging the whole way through since the war loan was first started £10,000 a week, which I think everybody will agree is a most creditable performance, and it is over £10,000 a week when you also take into consideration Post Office savings.

As a member of the War Savings Committee it might interest Council to know that since its inception the war savings stamp scheme has proved very satisfactory. These are the small denominational savings; you buy a stamp—10, 20 or 50 cents—which is affixed to a card, and then you put your card when completed into the Post Office and the amount is credited to your Post Office account. The savings under this scheme average £30 to £40 a week. I do appeal to all commercial houses employing large African staffs to take every opportunity of bringing this scheme of saving to the notice of their staff and to encourage them to save by this method and open Post Office savings accounts.

Coming back to this question of raising the figure from £500,000 to £750,000, it is the opinion of those who are organizing the War Savings Campaign that with the savings still coming in at £10,000 a week, plus the drive which has been inaugurated by the Tanganyika Government to reach a target of half a million pounds in war savings, that three-quarters of a million pounds should quite reasonably be expected to be reached by the end of this year. I must say I am very glad indeed to learn that the Tanganyika Government are making this drive. The only criticism I have got to make is that that drive has been instituted at rather a late date and in my opinion it would have been very much better if they had got down to war savings in that territory very much earlier.

I should like to remind one hon. member of this Council on the other side that at the time when the commercial community originally asked for a war loan to be started in East Africa, I think I am correct in saying he expressed the opinion that it would only be possible to raise

[Mr. Nicol]

between £30,000 and £40,000, and curiously enough he had the support of the Banks in that prediction; and now I am seeking to raise the immediate target limit of the loan to £4,000,000. I would like to say that in my opinion the ultimate limit of savings is actually unlimited.

MR. WRIGHT seconded.

MR. TESTER: I think that Government can accept the amendment with great alacrity.

The question of the amendment was put and carried.

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

#### CHARGES AGAINST LOAN ACCOUNTS

MR. TESTER: Your Excellency, I beg to move: That this Council approves the expenditure of the sum of £3,396 incurred in 1940 upon the purposes specified in the schedule hereto as a charge against loan account: Schedule—£3,400,000 (1930) Loan: Item 1, Colonial Development (a) Public buildings, Indian Boys Elementary School, Nairobi, £1,220; K.A.R. Lines, Nanyuki, £284. £305,600 (1933) Loan: Item 3, such further items, etc., Indian Boys Elementary School, Nairobi, £766. £375,000 (1936) Loan: Item 3, such further items, etc., K.A.R. Lines, Nanyuki, £1,126. Total £3,396.

Hon. members will notice that this resolution refers to only two buildings—that is public buildings—the Indian Boys Elementary School, Nairobi, and the K.A.R. Lines, Nanyuki. I should like to say at the outset that the expenditure actually incurred on both these buildings is less than the estimate which has been passed by this Council. This motion which I am now moving is one of the barest formalities and merely gives the Council's assent to charge this expenditure to loan funds. It should have been done in 1940 or early in 1941, but unfortunately it was overlooked.

MR. HARRAGIN seconded.

The question was put and carried.

#### TRAFFIC (AMENDMENT) BILL

##### SECOND READING

MR. BROWN: Your Excellency, I beg to move that the Traffic (Amendment) Bill be read a second time. This bill is aimed at the nuisance caused by excessive and unnecessary hooting, and it operates in two ways: firstly, by making it an offence to cause excessive noise which can be avoided by the exercise of reasonable care; secondly, by empowering local authorities to prohibit hooting altogether during certain specified hours. It provides the safeguard which makes it a good defence if a person hoots in order to avoid an accident which could not otherwise be avoided.

MR. HARRAGIN seconded.

MAJOR CAVENDISH-BENTINCK: Your Excellency, it is hardly worth having a long discussion in the middle of a war about an odd hoot or two in Nairobi. (Laughter.) At the same time, I completely fail to see how it is humanly possible for any driver of a motor vehicle to at any rate drive through the streets of Nairobi without on one or more occasions having to sound some warning of his approach. Native cyclists and people are all over the road, and nothing will make them move unless you do occasionally sound your hooter, I presume this is really meant to deal more especially with noises at night. I should like to know whether that is so, and if that is the case, or even if it is not, and it also deals with unreasonable noises by day, may I suggest that open exhausts of motor bicycles be brought under this bill? (Hear, hear.) They are far more troublesome than any hooter, and I conclude also that the military authorities will also come under the operation of the bill if it is brought into force.

MR. MORTIMER: Your Excellency, in reply to the hon. Member for Nairobi North, I entirely agree with him that the noise caused by motor cycles, some with their silencers removed, others making noises which I understand are inherent in the particular make of cycle, is far more obnoxious and a far greater nuisance than even hooting. I do not think, however, that it can be brought under the provisions of this particular

[Mr. Mortimer] amending bill, but I personally would like consideration to be given to some more stringent control of these noisy motor-cycles. As one who has an office in town I have suffered very greatly from these noises, and I have no doubt that hon. members similarly situated have similar grounds for complaint. The present bill arose out of a request made by Nairobi Municipal Council for greater control of hooting, particularly in the commercial area. This applies not only to hooting at night but also hooting throughout the day. I am confident that the powers will not be used frivolously. The intention is to control those taxi drivers and military drivers and others who seem to think it incumbent upon them to drive on their horns, and who rush through Nairobi sounding their horns from one end of Government Road to the other, leaving it to the unfortunate pedestrian to get out of the way if he can. This is the kind of thing it is desired to stop. Then there are people who stop outside shops with their cars who wish to attract the attention of people in the shop and who continue sounding their horns until someone comes and gives them attention. That also is a nuisance which should be stopped. The Municipal Council, in asking for these powers, give an undertaking that they will not use them without having first consulted the Commissioner of Police and having obtained his assent to the measure they have in view. I beg to support the bill.

Mrs. WATKINS: Your Excellency, one other nuisance which should be stopped is motor-cycles with open exhausts. There are very few people who have sat on committees in Nairobi or who work there who have not been bothered by motor-cyclists roaring past. I think that noise might be added to the sounding of hooters.

Mr. BROWN: Your Excellency, I entirely agree with what has been said on both sides of Council in regard to motor-cycle exhausts. But this bill is not the proper place to deal with them because it amends that section of the Traffic Ordinance which deals with hooters and other appliances for giving audible warning. A motor-cycle exhaust is not an

appliance for giving suitable audible warning. But that matter will be considered, and I hope it will be dealt with at an early date. There is nothing, of course, in this bill to stop anybody from hooting when it is necessary to hoot. All this bill does is to stop somebody from doing what the hon. Commissioner of Lands and Settlement has referred to—hooting all down the street, driving on his hooter instead of possibly slackening his speed a little. If that which is in the road in front does not give way he should give a couple of light toots. (Laughter.) That is what this bill is aimed at. With regard to the point made by the hon. Member for Nairobi North as to whether this bill is primarily designed to stop hooting during the night, I cannot make any comment on that because the bill gives power to local authorities to prohibit hooting within such hours as appear right to them. I should have thought that it would be during the night hours that they would probably prohibit hooting.

The question was put and carried.

#### NATIVE POLL TAX BILL

##### SECOND READING

MR. HOSKING (Chief Native Commissioner): Your Excellency, I beg to move that the Native Poll Tax Bill be read a second time.

This bill provides for a poll tax to replace the native hut and poll tax which has prevailed in this Colony for a long time. Law should be the epitome of public opinion, and I can confidently assert that in this case the measure has been demanded by the natives whom it will affect. Not only in Kenya but throughout East Africa a demand has arisen for a tax on adult natives in lieu of the tax which is in effect a tax on women. The Hut and Poll Tax Ordinance has a provision that if two women share one hut an extra tax has to be paid, and we must recognize the fact that it was a tax on the assessment of women. The hut count is admittedly a rough and ready assessment of wealth and it is time that the acquisition of a number of wives is an indication of wealth, and I must admit that to a certain extent that this still obtains to-day. But the Ordinance did not take into consideration the fact that

[Mr. Hosking] wives are inherited as well as acquired by payment of bride price. In practically every East African tribe a brother inherits from his deceased brother his wives as well as his property. If he inherits the property, why is he not a wealthy man and able to pay an additional tax? If often happens that by the time a man inherits the wives and property the stock has been dissipated by disease or in paying the bride price for his sons. He may acquire property from the bride price of the daughters, but it does not always pan out that way.

Under the old dispensation no woman could be destitute because she was the responsibility of someone. When I first started the disagreeable task of collecting taxes the head of the family used to be responsible for the whole of the family. He would sell an ox to "buy" the money; in my days we actually valued that ox at so many huts, and in the remote tribes there were few uses for money other than to pay the Government taxes. Besides selling property to "buy" money, the head of the family sent out the younger members of the family to earn the tax for the rest of the family, and it was paid more on a communal or family system. But before long the younger members of a family found other uses for cash than merely paying a tax. They found that bicycles, sewing machines, gaudy clothes, and various other amenities of life could be purchased for money, and I think that nothing has done more to create individualism than the spread of cash currency throughout the native lands. The presence of old women soon became definitely a liability and not an asset. The younger women, even under the old dispensation, were not forced to become the actual wives of the men who inherited them. Some of them do become their wives and bear them children, but some merely live under their protection. The presence of these independent women has created a very great problem. The man who has inherited them does not see why, as they exercise this independence, they should not also pay their own taxes, and most distressing cases have occurred when some of these women have parted with all the property they had in order to pay

the tax which was originally assessed on the man who was their alleged husband.

We have a very adequate provision for exemption, but nothing is resented more by a native than inquiries into his family affairs. It is not the business of Government whether he has one or more wives; it is no business of Government whether those wives are to bear him children or to cook his food; they resent interference with their domestic life. The demand has been made in every local native council, it has been made in joint meetings of the local native councils of Nyanza and Central Province, and I can assure this Council that not a *baraza* attended by the Governor since he came here or by myself in the last five years has been held wherein the natives have not demanded the substitution of a poll tax for the multiple hut and poll tax.

An easy criticism of the measure would be to say that we consult the influential and wealthy people who are only too willing to shift the burden from the shoulders of the wealthy on to the shoulders of the poor who are not so vocal as to themselves, I have gone into the market places and into the lanes and by-ways to ascertain whether this was the wish of the people, from the bottom to the top. I have enlisted the help of missionaries, betterment officers, interested settlers, and others, and all agree that this measure is really demanded by the natives concerned. The missionaries agree with some reluctance: why should their people who are monogamists pay for the wealthy polygamists? but honest missionaries agree it is the desire of the natives throughout the Colony that poll tax should take the place of the multiple tax.

It has been distressing to find when women have been required to pay the tax that some of the younger ones have taken the easy road of acquiring money, and I have before now found women imprisoned for default of payment of the tax. That cannot be allowed to continue. We have therefore accepted the principle of what may be called the poorest of all forms of taxation, taxation of mere existence. We have already adopted that principle in the case of non-natives who are below the income tax standard. There

[Mr. Hosking]

is a flat rate of tax for Europeans and Asians who do not come within the scope of the Income Tax Ordinance. I was advised by the late Financial Secretary that really there is no halfway measure between a 100 per cent income tax system and such a tax on mere existence; it is almost impossible to adjust in any other way the incidence of taxation to accord with wealth. We have then proposed to cut away from that assessment of wealth except on the broadest of bases, and that is according to the general circumstances of the tribe or group or district. In the Inter-Relations Committee report, which has been laid on the table of this Council, the schedule thereto, as hon. members will see, contains the rates of poll tax proposed. The tax will vary in the case of those who are not living in the native areas and who are not liable to pay cess within those areas, from a total of Sh. 16 down to Sh. 6 in the case of the poorest. The tax varies—Sh. 6, 8, 9, 11, 12, 13, 14 in the native areas, and Sh. 16 in the case of those who do not pay cess to a local native council—I will deal with that question of cess later on.

Turning to the actual provisions of the bill, it follows closely the provisions of the Native Hut and Poll Tax Ordinance, 1934, with the necessary consequential alterations, substituting poll tax for hut and poll tax, and referring to tax clerks and rolls of taxpayers to avoid the use of hut counters and hut counts. In clause 2 of the bill certain additions and alterations are made; for instance, "collector" shall be "any person authorized in writing" by a district officer in lieu of any person appointed by a district officer, an obvious precaution to prevent fraud. We have inserted in this clause the definition of a "chief" and "court".

Clause 3 is important because it is identical with section 3 of the Ordinance: "The Governor may by notice in the Gazette prescribe the amount of poll tax which shall be payable for any year, and may in such notice prescribe different amounts for different districts, areas, places or tribes". I have already mentioned the difference in the amount it is proposed to assess in the various districts. One of the recommendations of this Inter-Relations Committee was that

a cess should be paid by the natives who did not pay a cess in native areas; this would apply to squatters residing permanently on farms who had severed connexion with the reserves, and the town dwellers. It was deemed advisable to collect this cess by way of tax and to allow for a sum to be subtracted from the tax paid and to be credited to a trust fund. I shall deal with that question further in a second bill which I hope to move this morning. But I want to point out that the Sh. 16 is a tax, and that it does not necessarily mean that a man who claims the right to pay this higher tax on the ground that he is not liable to pay any cess to a local native council shall not be sued for the payment of that cess if in fact he is found liable to pay that tax. It will be a grave temptation to a native of Kiambu whose tax is Sh. 14 and whose cess is Sh. 3/50, a total of Sh. 17/50, to rush into Nairobi to pay a Sh. 16 tax hoping thereby to avoid paying an extra Sh. 1/50. Provision will be made in Nairobi to have the proper rate and tax books available, and a man who should be paying his local tax and cess will have every opportunity of doing so. It is only when he avers that he is not liable to pay cess in a local area that he will be permitted to pay the higher tax. In the case of a genuine mistake district commissioners have power to allow the higher tax receipt to be handed in and to issue in exchange fresh receipts for the lower tax and the cess. Deliberate tax dodgers should not rely on such clemency being exercised in their cases and they may find themselves paying both the higher tax and the cess. They are reminded that tax paying, like charity, should begin at home.

The proviso too is important. I wish to draw attention to it because it too is identical with the proviso in the ordinance which this bill is to replace, in that it lays down the maximum of Sh. 20. There might have been a good case for raising the maximum when replacing the multiple tax by a single tax, but for a specific reason we have advocated the retention of that maximum. We do not in fact now intend levying a higher tax than Sh. 16; the additional Sh. 4 should, I think, allow ample scope for any increase in taxation that may be required

[Mr. Hosking]

for a very long time to come. I saw some two years ago a report of a committee calling itself, I believe, the Civil Liberties Committee. It had a most impressive and influential membership. To the best of my recollection, in referring to native taxation in East Africa, that committee said that in the case of Uganda the tax was Sh. 10, in the case of Tanganyika Sh. 12, and in the case of Kenya Sh. 28. The fact of the matter is that the poll tax in Uganda is Sh. 10. But taxation on natives does not stop with the poll tax, for there is a native administration tax, and a land tax which brings the total tax payable by natives I believe in the kingdom of Uganda up to some Sh. 35 and elsewhere to a sum in excess of Sh. 20. In Tanganyika the basic tax is Sh. 12, and in the townships considerably more, but they have an ingenious—or I think ingenious—method of avoiding the use of the word poll tax: they levy a house tax. Their definition of a "house" is a collection of huts in the same ownership and in the same place. A wealthy native having 20 wives and 60 children, if all are gathered around him in one place, has one house—some house!—and pays one tax in certain provinces, and this is tantamount to a poll tax; in other provinces there is a plural wives tax which is half the original tax.

But whatever we do as regards natives in Kenya is regarded with suspicion by certain of our critics at home, and I do wish to nail this false allegation to the mast by pointing out that the tax in Kenya is not more than Sh. 20, whatever may be done in neighbouring territories. Of course, it must not be forgotten that in Kenya the natives rate themselves, but that rate is raised voluntarily and the amount is at the discretion of the local native councils who vote it, and any resolution by such a council has to receive the sanction of the Governor in Council. The fact remains that to-day no local native council cess exceeds Sh. 4, and no tax in the areas where a cess is collected exceeds Sh. 4, so no combination of tax and cess exceeds Sh. 18.

Clause 4 (2) introduces the principle to which I have referred, whereby the native who does not pay the local rate or

cess shall pay a tax from which shall be deducted Sh. 2 which will go to a native trust fund.

Clause 5 has been adopted from the Tanganyika Ordinance, which lays down that every district commissioner shall appoint a place for the collection of the tax. Tax is collected at various centres in the districts, and provision is made for a native to be informed where the tax is to be collected.

Clause 6 varies somewhat from the section which it replaces. The date of payment of the tax, 31st January, is common to the previous ordinance. A date for the payment of the tax must be inserted in the ordinance, and 31st January is regarded as the proper date for the tax to become payable. Incidentally, it occurs just after the harvest in Kenya and is in many ways the most suitable date for the collection. In (2) "any native who fails to pay the poll tax by such date may be called upon by any court to show cause why the amount of poll tax due from him should not be recovered by distress". It may well happen that a native has been diligent in collecting his tax by means of kodi stamps, for which provision is made as under the old ordinance, and no court which sees a native is diligently collecting the tax early in the year would proceed to recover the amount and the penalty by distress. It is a matter of degree. It must not be forgotten that in normal years the count is made a considerable time before the end of the year and a native knows exactly what he has to pay and should be collecting his money ready for payment by the end of January. In Kiambu district this year 75 per cent of the tax was collected in the first fortnight of collection without any form of distress. There is a new provision also in (2). The old ordinance provides for costs not exceeding Sh. 6. These costs came to be regarded as an automatic penalty. Of course, this is incorrect, costs should represent the actual cost of service entailed in the case. We have now provided for a penalty in the case of non-payment of a tax. Payment of the penalty is not automatic as in the case of non-native taxation, but is at the discretion of the court. Provision is made

[Mr. Hosking]

for payment by way of a penalty of a sum not exceeding half the tax due in case of default. As the tax itself varies the amount of the penalty will also vary.

Clause 7 (2) (3) (4) is again adopted from the Tanganyika legislation. Its object is obvious. It is to prevent fraud by tax collectors. It assures that a receipt is given at once by the tax collector and not when a collector gets back to his office and tries to remember who has paid. The other alterations are mainly consequential on the substitution of poll tax for hut tax.

There is one small alteration to which I should draw attention, and that is in clause 23. Section 20 of the Hut and Poll Tax Ordinance only requires the production of the receipt last payable, which made it very difficult to deal with defaulters who had managed to dodge the tax for a number of years. I refer to clause 25, where it says that section 216 of the Criminal Procedure Code shall not apply. That means there is no limitation of 12 months to cases for recovery of taxes.

Every ordinance depends on its administration. Wide discretionary powers are retained both by the Governor to assess the amount of tax to be paid by any particular tribe, district, or group; wide powers are retained by district commissioners to exempt entirely the payment of poll tax or to reduce the amount of tax that has to be paid by an individual. Tax collection is the most unpopular work which any officer is called on to do, and in the eyes of the Christian world the publican, the tax collector, has always been associated with the sinner. It is difficult for us, possibly, to make people realize that the terms are not necessarily synonymous, but I trust that by a reasonable application and interpretation of the bill when it passes into law we will be able to levy taxation fairly throughout the Colony.

MR. HARRAGIN seconded.

MR. COOKE: Your Excellency, I should like to congratulate my hon. friend on having the courage to bring in during war-time a measure which many

people have considered for a long time to be both expedient and equitable, and I hope the fact that the war is on will not deter Government from bringing in other remedial measures which may be necessary. I was very glad to have the assurance of the hon. Attorney General that what might be called the more unvocal members of the community have, so far as possible, been consulted, because there is of course the criticism, which is sometimes voiced in the public press, that administrative officers merely take the opinions of the wealthy chiefs and headmen and the members of local native councils. There is another assurance I should like from the hon. gentleman or from the hon. Financial Secretary, and that is that the rates have been so decided upon by actuarial calculation that the revenue of the country will not suffer.

There are just one or two small points I want to mention. Clause 7 (1) refers to tax receipts. I hope that Government will devise some other type of receipt rather than the present very flimsy piece of paper which is given to the Africans. Tanganyika has a much better system by which the payer's name and his location and various other details are entered up. I know in the old days when administrative officers acted more or less as automatons it was very difficult to enter up these details, but now that the work is done by the native authorities to a large extent I do not think there should be any insuperable difficulty in issuing a more substantial form of receipt. Another clause refers to the rules which Your Excellency may make regarding registers, and I hope that these tax registers will be kept up to date and not, as in the past, show the name of people who have already left the district or who are dead. The question of supervision now that natives are collecting their own tax to a large extent, is a vital matter, and I hope that the district officer will not be so tied to his office table, but be able to get about more and see that the tax is collected as equitably as possible.

COL. KIRKWOOD (Trans Nzoia): Your Excellency, I rise to oppose the bill in its present form. I think that several of the

[Col. Kirkwood]

remarks made and much of the information given to this Council by the hon. mover are quite incorrect. He has stated in general terms that the natives themselves have demanded this alteration in taxation. That I do not believe. He stated also that His Excellency—I presume he was referring to Sir Henry Moore—and himself held *barazas* at which the natives were in agreement. As far as I know these *barazas* were held only in native reserves, probably at the headquarters of the native council. So that the native councils would be the chiefs and the headmen and the old men, the wealthy men of the tribe who are owners of most of the cattle. This bill brings relaxation of taxation to that type of native. I am not aware that any *barazas* have been held, say, in the Trans Nzoia or Uasin Gishu or the European settled areas. If they have I should like to hear of them, and that the natives at those *barazas* were in agreement with the proposals. The resident labourers or volunteers in the European occupied areas who are not in the reserves do not attend *barazas*, and it is this type of native I am talking of now who is going to pay the increased taxation, from Sh. 6 up to Sh. 16. This means an increase in wages and an increase in wages means increased cost of production. It is not going to help the production drive as part of the war effort.

There is another angle that one has to consider, that is that these natives I have been talking about, who live in the occupied areas—the resident labourers and volunteers—have got to pay the increased taxation. Take the Kavirondo—their tax will rise from Sh. 12 to Sh. 16, an extra Sh. 4. That is not going to help. . . .

MR. HOSKING: On a point of order: Sh. 14, not Sh. 16, in the Kavirondo Reserve.

COL. KIRKWOOD: Perhaps you will mention who it is who pays the Sh. 16 you mention. Anyhow, it is an increase in wages and I think it is to be regretted that that schedule of rates of tax is not attached to this bill. There is and always has been for the last 22 or 23 years, that I have been in this Colony complaints

by the natives I am speaking of about the difficulty in obtaining bride price, which is paid in cows, one of the systems of slavery, if you like, that is carried out in this Colony. This is going to increase immorality. The old men are going to get more wives than it is necessary for them to have. If it is sufficient for the Europeans to have one it should be sufficient for the native, and I do not see that that is going to improve the position in the Reserve.

Another statement made by the hon. mover was that this measure is bringing native taxation on a level, or words to that effect, with that of Europeans and Asians—I refer to European and Asian poll tax—but that is not true. This is the only tax the native pays to the central revenue, but poll tax is not the only revenue Europeans and Asians pay to the central revenue. After all, we are the heaviest taxed Europeans of the whole of the British Empire. You cannot say the native is the heaviest taxed native in the British Empire, because they are not. They are much more heavily taxed in Uganda, not only poll tax but indirect taxation. For these reasons I think it is unfortunate that this bill should be brought in at this time and that the statements being made are inaccurate and misleading. They may be all right for Mr. Creech-Jones when he gets hold of them, but you might have painted the lily in its true aspect, which has not been done by the hon. mover. I do not see any possibility of amending it at this moment, knowing the power of the steam-roller, but I think it is regrettable that the Europeans of the Colony, especially the elected members, and others, have not been taken into confidence wholly by the Government. I am not suggesting that I am of opinion that the natives should be further taxed; it is a question of equity. I do not think equity comes in when you tax individual workers who go out to do a job of work and earn money and who eventually return to the reserve and hand the money over to the old men who do not work; and it is the old men who are going to be relieved of further taxation. It is not going to help this Colony at all. I doubt whether this bill will be appreciated; once it comes into force and you start collect-

[Col. Kirkwood]

ing you will find a reaction to it which is not foreshadowed by the hon. mover.

DR. WILSON: Your Excellency, in spite of what the last speaker has said, I support this bill. I am glad that the hon. Chief Native Commissioner made such a point about the hardship of the taxation on women; it is on that point particularly that I support the bill. There has been, as he says, for a long time a very general desire among our natives that their women should not be taxed, and I agree with him that is not only the opinion of the richer man with many wives but a general opinion, at least throughout the reserves and from my experience in the settled areas as well. They have said it often, and very loudly, and they have said that they will be prepared to pay a heavier tax themselves if the women are exempt. Quite apart from the natives, I think there has been a general opinion amongst ourselves that the taxation of women is not unobjectionable; there are objections to it. I had thought that if I raised the point of these hardships I should have been told that any woman can always find a man to pay the tax for her. But there are cases of friendless widows. I am very glad that my hon. friend admits that there has been hardship and that these widows have been compelled, or felt themselves compelled, to pay when they should really have been exempt. I know a great number are exempt; I have been through the lists with district commissioners, but the fact remains that others do suffer hardship and if they were exempted it was not always without paying some of the penalties of the tax default.

I do think that when this bill was introduced, not only to this Council but to the public there should have been a much fuller explanation of the "Objects and Reasons". The "Objects and Reasons" to this very important bill consist of two lines: "This bill provides for the payment by natives of a poll tax instead of the hut and poll tax payable under the present law". I consider that is treating us a bit rough, unless it is considered that we have such super intelligence that we are capable immediately of grasping all the intentions, hidden and

otherwise, of this bill. That may apply to hon. members of this Council, but I do not think it can be held to apply to all members of the public who read the Official Gazette. I think we might have had something more explanatory than those two lines.

The proviso to clause 4, to my mind, requires a good deal of explanation. What natives are not liable to pay a local native rate? Section 24 of the Native Authority Ordinance lays down that a local native council may pass a resolution for the imposition of a rate or rates to be levied and collected from the native inhabitants of the area. What I want to know is how is that "native inhabitants of the area" to be defined; or rather, why does not this bill contain a definition of the natives who are to be exempted?—the natives to whom this proviso will apply? I take it, from what the hon. mover says, it will apply to natives resident in Nairobi and to squatters resident on farms. But what about the natives more or less constantly employed outside the reserves? What is the definition of "resident in the reserve"? He makes it rather more complicated by the suggestion that a native should pay the combined tax or the higher rate of tax outside the reserve, but if he went back to the reserve he might be responsible for the cess as well. I suggest that it is a very difficult definition. I think it needs some more precise definition in this bill, rather than a cross-reference to another ordinance.

I take it we have got to work on this report of the committee to which the hon. mover referred as in a sense the cause and explanation of this bill, and I agree with the hon. Member for Trans Nzoia that it might have been better if some more attention had been given to the implications as regards Schedule E. But I take it that there is to be a special rate of poll tax in all parts of the country exceeding by Sh. 2 the normal flat rate of poll tax in the reserves. That, I suppose, will apply to all the special districts which are starred in Schedule E of the report; and there again, who is to say whether the native is resident in those special districts or whether he is not really resident? Is it not possibly

[Dr. Wilson]

anomalous that he will pay a flat rate of Sh. 2 outside the reserve, when the local native council rate varies from Sh. 1 to Sh. 3 and the poll tax in different districts varies? The principle, I think, is sound that these natives outside the reserves who are in employment and, generally speaking, better off, should be called upon to pay at least as much as the natives who are living in the reserves, with the possible exception of squatters who are, generally speaking, not wealthy as regards cash. It is not easy to see what they will get from this increased taxation corresponding with the rate in the native reserves.

There is one thing I am not happy about: it will be fairly easy to explain to the native that he is paying another Sh. 2 for his women; it is not going to be so easy to explain the other Sh. 2 corresponding to the rate in the reserve. I am told this has been fully explained in the reserves, but the people who are going to feel it hardest are the natives employed in the settled areas and they are not in direct touch with administrative officers. I do hope that every endeavour has been made and is being made to get it home to these natives in the farms and towns before the end of the year what exactly is going to happen, so that there may be no outcry that they do not know why they are having their taxes pushed up like this. I think the reason why this bill has been so long delayed is that it was felt the natives had not been sufficiently prepared for this change, and I must disagree with the hon. Member for Trans Nzoia: I think that the hon. members of this Council were consulted and had plenty of time to consider the alterations in the system of taxation.

Following up the question of natives resident outside the reserves, there is nothing in this bill to suggest the machinery by which that taxation is to be collected. It has been the custom in some districts for employers of labour to be asked to collect the taxes from their natives, but there is nothing in this bill to my mind to legalize that procedure. There is clause 9, which allows payment by kodi stamp, and then there is clause 5, which says that the district commis-

sioner "shall appoint such places in the district", and so on. Well, those words obviously apply to a district in the native reserves. It carries on in clause 6, "The amount due from each native for poll tax shall . . . be payable to a collector . . . at the place appointed under section 5 of this ordinance". I suppose those words mean that the district commissioner in a district in the settled area shall appoint a revenue officer at certain places in the district at which the tax shall be paid. But if it is to be collected by the employers of labour it seems to me to be stretching a point to say that the tax is payable "at the place appointed under section 5". When the employer is going to collect the tax on his farm and send it in to the nearest revenue officer or district office, I do not want to object to this form of tax collection. I think it saves everybody a good deal of trouble, but I do want to see something in the bill to legalize what otherwise might be called irregular procedure. There is not always close enough liaison between the tax collector in the settled area and the district commissioner in the reserves, with the result that sometimes a native's tax has been paid on the farm and then, because the information has not got through to the reserve, his family are compelled to pay that tax. It happened the other day to two natives in my employ. Their fathers had to pay again. I know it is quite irregular and should not happen, but it does happen. Another thing is that when a native goes home on leave or because he is sick, he is immediately jumped on, and if he cannot produce a receipt for his tax he is made to pay again. In connexion with clause 23, the hon. mover has said that the words "tax last payable" were intentionally omitted from the previous ordinance and it is now left quite vague for how many years a tax can be demanded. The other day a native in my employ was on leave in the reserve; he produced a tax receipt for 1942 and for 1941; 1940 was missing, and he was immediately, without any explanation being allowed, made to pay for 1940, and it was only after a considerable amount of difficulty, involving much travelling, that he managed to get the money back.



[Dr. Wilson]

The hon. Member for the Coast mentioned the flimsy bit of paper, and I think it is a bit difficult to expect a man to keep receipts for a number of years when they are issued on these flimsy bits of paper. I hate to think what would be the reaction if one of us was suddenly jumped on for not having paid our income tax 20 years ago; I think our reaction would be violent. I believe there was a proposal at one time that a native's *kipande* should be endorsed whenever he paid his tax. I do not know why that was turned down; there are possible objections to it.

There is one other major point I want to raise and that is clause 11, which allows a district officer to exempt from payment of the whole or any part of the tax any person who has not sufficient means to pay. That exemption is for a period of time unless cancelled by another district officer. That is all very well, except that it seems rather strange that one district officer should be allowed to cancel exemptions granted by another, and it is rather unfair to the native who, having been exempted for a definite period of time by one officer, should be told by another that he has got to pay. What I should like to see is provision for the permanent exemption of the disabled and infirm. If we could have a combination of clauses 11 and 13 to allow a district officer, or if you like a provincial commissioner, to exempt for life any infirm old man without sufficient means to enable him to continue paying tax for the rest of his life, and the possibility of exemption of any seriously and permanently disabled person, I do not think it is asking too much. In civilized communities we give our old people old age pensions. Surely we could at least exempt our old people in Kenya from direct taxation.

I support this bill because I think the native generally will appreciate it, and I think we are going on the right lines. I will not raise the point that I have so often raised, the question of some sort of graduated tax for natives, and for the moment I accept this flat rate, which I think is the easier way of getting to a graduated tax rather than the system of hut tax.

I have three small criticisms, in conclusion, of the bill, and I make them with varying degrees of confidence. The first is in clause 6 (2), where there is quite an obvious mistake. It reads: "Any native who fails to pay the poll tax by such date may be called upon by any court to show cause why the amount of poll tax due from him should not be recovered by distress, and in default of distress by imprisonment or detention". You do not recover the tax by imprisonment. I think it was established once before that you do not recover the tax by putting a man in prison or detention. You do not get the money back that way. The wording should surely be "why he should not suffer imprisonment or detention". I think the present wording is a mistake.

The second is either a printer's error or a mistake in grammar—at least I hope the hon. Director of Education will agree with me. Clause 17 (1) says: "The district officer shall notify each chief the date". I trust the word "of" will be included—it may be a printer's omission. The third I am afraid may possibly be considered frivolous, my objection to the dreadful phrasing of our legal friends. The proviso to clause 12 says: "Provided that nothing in this section contained shall affect the exemption by any other ordinance provided for". If it means that "provided nothing contained in this section shall affect the exemption provided for in any other ordinance" why in the name of commonsense and the King's English cannot it be so said? (Laughter.) I support the bill.

Mr. NICOL: Your Excellency, I did not intend actually to take part in this debate, but there is one point I do want to stress which was mentioned by the hon. member Dr. Wilson. That is, the necessity of sufficient propaganda, shall we say, or the attention of the natives being directed to the implications of the change in taxation. I make this plea, particularly in regard to Mombasa and the coastal area, because down there we employ a very large amount of labour on very essential work such as shipping, and any misunderstanding on this may have repercussions on the question of shipping and the like. I do hope that the

[Mr. Nicol]  
Provincial Commissioner for the Coast will, after he has got all his troubles out of the way over the Emergency Exercise, get down to explaining meticulously and carefully to the natives in Mombasa and the surrounding district who come in to work in Mombasa. I am thinking of the coal labour, who—whenever there is a tax drive clear off, and we have difficulty, as the hon. Chief Native Commissioner knows, in getting sufficient labour. I make that plea that the fullest use is made not only of the Information Office but that district commissioners and provincial commissioners must go round and impress on natives the full implication of the tax and the benefits they are really going to derive from it.

MR. KASIM: Your Excellency, I rise to support the bill before Council. I have been asked by a number of my African friends to express their appreciation to Government for introducing this legislation for which they have clamoured for some time. At the same time, they have asked me to say that the tax should not be increased to an amount beyond the hut tax. In my view, Africans are heavily indirectly taxed in the form of duties on piece goods and other imported articles, and I do hope that Government will agree to their request.

MRS. WATKINS: Your Excellency, I think the last speaker has hit the nail on the head. I think the hon. Chief Native Commissioner said that the natives agreed that they wanted this single tax, but it has remained for the last speaker to give a reason why and to state that the natives hoped the single tax would be introduced at the same rate as that paid at present for one hut. I was asked by the hon. Chief Native Commissioner to ask my own boys on the farm some months ago what they thought about it, and the answer not only on the farm but all through the district was that it was an excellent idea provided Government did not put up the tax. When I said that the tax would have to be put up the answer of some of the older natives was "Yes, quite a good thing too". When asked particularly why they wanted it they said because they hoped to have three wives immediately,

so that they think it helps their pockets. But I am not quite certain that it will get so much support from the natives working on the farms as differentiated from the natives sitting in the reserve and sending other members of the family out to work. Each will have to pay more for his own tax, more for his father's tax, and the result I think really is that it will raise wages all through the country to a certain degree. I suppose every native on my farm, about 50 or 60 men, is paying two taxes, for himself and a father or uncle, and he will now have to pay Sh. 14 for himself, Sh. 16 if he is considered ex-reserve, and Sh. 14 for his father or uncle, and Sh. 2 or Sh. 4 cess, so that each native on our farm as one example will have to pay Sh. 28 or Sh. 32 a year in taxes. He cannot pay that without his wage going up considerably. But if it is still wanted by the native and is believed in by the Administration, I shall not be against it, but it must be made clear to the native by the hon. Chief Native Commissioner that if there is any intention of raising the tax the farm labourer must be told.

I still suggest to my hon. friend the Chief Native Commissioner that there is an enormous volume of labour in this country which has escaped payment of the tax by moving round and round the country and in and out of towns. I know definitely of areas where farmers are away where many natives, chiefly Kikuyu settlements, are paying no tax whatever. I have pointed this out before now. I know on our own farms, especially in the forest reserves, as the tax payment comes nearer the natives dwindle away, and when the drive is over they return. I know it is impossible to get farmers at times to do the collecting, and there again I should like to make a point; that is, that in war time we farmers are more than prepared to help the district commissioners to collect the tax, but I do not think that it is a good system that we should be regarded as the natural tax collectors from our own boys. I have been tax collector on our farm at times and I consider it is a burden which should not be laid on the employer. Relations with our labour are often difficult enough without becoming a tax collector, unpaid, for Government.

[Mrs. Watkins]

I rather disagree with the hon. Member for Trans Nzoia that it would increase immorality among natives, because I do not think that is possible. But I do submit that it is a good deal to expect anyone, even a native, to pay taxes and to be good citizens when we see the conditions under which some of them are living in Nairobi and in a few other parts of the country. I think the Kiambu natives will have a glorious time in the next year or so deciding whether they are resident in town or resident in the Kiambu reserve. I think it is going to be endless fun for the Kikuyu and endless trouble for the Administration in defining who is resident and who is not. I think you will have every male member of the Kiambu district working as office boys in Nairobi that could be living in the reserve, and no doubt they will find some way to beat the tax collector and the Chief Native Commissioner.

I am still not convinced that the native really has either been consulted or that the right native has been consulted in this matter. I still believe that the young man who has to earn the tax would rather it was not raised, even with the possible hope of cheaper wives in the future. I think the farmer is going to be very heavily hit by it, and as I represent a farming community I think I ought to put that before Council. I should think our rate of pay will have to go up by rather more than the tax because it is extremely difficult to raise it by less than a shilling a month. It will probably be about a shilling a month raise, which is really being a form of taxation on the European employer. The administration of the tax, as the hon. Chief Native Commissioner said, is the most important point, and I do suggest that there are two things to be done. One is to appoint certain magistrates among the settlers or certain tax inspectors for the duration of the war who would in their own districts be responsible to see there were no gangs or villages or little collections of squatters tucked away on farms not paying tax at all. I think you could appoint these men without any expense to Government, except for petrol, and make each

responsible for a certain district to see that everyone was paying the tax. The next thing I suggest is to make the tax receipt rather in the form of that given by the Municipal Council when I pay the tax on my cart, a brass disc of a different colour each year, green this year and red last year, so that it will be no use using a blue one of the year before. A little brass or coloured tin disc something like the municipal disc would probably be the best way of giving these tax receipts. I think the most important point about native taxation to me is to see that each native does in fact pay his share. There are in my opinion districts in this country where certain residents could, if made responsible, bring in 100 or more natives without any difficulty who had escaped tax.

MR. HOSKING: Your Excellency, I was first asked by the hon. Member for the Coast to give an assurance that the revenue would not suffer by the enactment of this bill. The figures for the poll tax have been based on an examination by an administrative officer, and the revenue is not expected to suffer, for we expect that we shall get the same amount from the poll tax as from the hut and poll tax.

The question of the flimsy receipt has already been brought to my notice by provincial commissioners. It is a difficult matter in war time with a shortage of paper to deal with this question, and the suggestion of the hon. Member for Kiambu to substitute brass discs is admirable, but I regret its impracticability owing to shortage of supplies. (Mrs. Watkins: On a point of explanation, tin discs with colours would do quite well. I am getting these now.) If the hon. member can supply 500,000 of those discs I will accept her offer! The question has been raised by various members of keeping the registers up to date. One great advantage of the poll tax is that the evasion of a poll tax should be much more difficult than the evasion of a hut tax, because a man carries his poll with him and not his hut, and wherever he is found he may be called on to show the receipt. I trust the co-operation offered by the hon. Member for Kiambu on

[Mr. Hosking]

behalf of farmers will be forthcoming. There are numbers of natives residing on farms to-day ostensibly squatters of whom I believe many employers are quite unaware, and assistance in that line is appreciated by the Administration and our financial officers.

The hon. Member for Trans Nzoia did not believe my statement. I do not know whether it will be more impressive if I repeat it, but I am quite prepared to do so, that natives generally are in agreement with this measure. Ask any native if he would rather pay Sh. 14 or Sh. 12, and the human reply is Sh. 12, but if you ask him whether it is right that a man who has two wives should pay more than the man with one wife I am prepared to vouch that the great majority will say no; the number of wives a man has is his own concern and not the concern of Government. The hon. Member for Trans Nzoia is contradicted by the hon. Member for Kiambu as regards the incidence of taxation. The former's employees are all monogamists and those of the hon. Member for Kiambu polygamists. Even a squatter with two wives or three will only pay one tax and he is going to benefit by this provision of poll tax; in fact, the number of squatters with plural wives is far greater than those in the reserves. They breed like flies on the farms, and you can see the women and children picking pyrethrum by the hundreds, especially on those farms where squatters have been long established.

The hon. Member for Trans Nzoia said this tax was the only one paid by the natives. That is an old fallacy. A native pays indirect taxation—

COL. KIRKWOOD: On a point of correction, the only tax paid into central revenue.

MR. HOSKING: Indirect taxation also goes into the central revenue. It is difficult to differentiate between the amount of indirect taxation paid by natives and non-natives. I remember an inquiry some years ago showed that 80 per cent of the tax on tobacco was paid by natives. It was pointed out to me by an intelligent native that a man with more than one wife was paying

heavily in indirect taxation. They require more clothes and ornaments, so the demands on him are very considerable, and all is reflected in the amount of indirect taxation paid.

The hon. member Dr. Wilson referred to clause 4. I admit there is going to be considerable difficulty about finding out whether a native has interests in the native land units or not. If the native still has a hut in a native land unit he is liable to pay cess, and if he has resided for a considerable portion of the year himself in a native land unit he is liable to pay cess. If on the other hand he has resided on a farm for a great number of years and has not got an extra wife residing in the reserve, he will not be liable to pay cess in his home district and would pay the higher tax. It is a question of fact. It seems to be overlooked that a register must be prepared not only in the native land units but on the farms, and at the time the register is prepared it should be ascertained whether a native claims to have severed his connexion with a native land unit or not. If he makes a false statement he may suffer for it if he is found to have interests in a reserve which justify the payment of a cess. But I have already referred to that difficulty.

As to collection by employers, no provision is made in the bill, but the assistance received from employers by the Administration has been greatly appreciated. But the tax is a tax payable to Government, and much as I thank employers who agree to help, the responsibility for the collection of the tax remains with Government. When the tax register is complete and it has been ascertained which tax each native should pay, if the employer is good enough to collect the sums due we shall be duly grateful to him as we are now.

MRS. WATKINS: A native comes around with a peremptory order which one is supposed to fulfil. A couple of years ago—

HIS EXCELLENCY: I do not think the hon. member has the right to make a second speech.

MR. HOSKING: I referred to clause 23 and the period of time for which a tax

[Mr. Hosking] receipt should be available. Again it is a difficult question and possibly one that could come up in select committee, to which I have Your Excellency's authority to say the bill will be referred. It is again a matter of degree, and it is unreasonable to expect a man to produce receipts for 10, 8, or 9 years ago. But the main thing is that a native on the register should have his name ticked off in that register when he pays his tax and he will not be dunned for it again if he pays in the right place. As to clauses 11 and 13, exemptions, the hon. member wanted provision for permanent exemption. The period of exemption may be stated in the certificate given. The hon. Member for Mombasa stressed the need for propaganda, as did certain other hon. members. This measure has not been bounced on the Council. It was, nearly at the end of the last budget session, but members objected and wanted more time to think it over and to explain to their squatters. That was December, and we are now in August, and I trust that everybody has been doing their stuff on their farms. We in the native areas most certainly have been doing all we can to explain matters to the natives, and an extraordinary measure of assent and agreement has been obtained from them.

The hon. member Mr. Kasim suggested that the poll tax should be the same as the hut tax. I have already given an assurance that the revenues of the Colony shall not suffer, and it is quite impossible that we shall make the single tax the same as the plural tax, and I am surprised that the amount of the single tax is not considerably greater than it is to-day, an increase in the neighbourhood of Sh. 2 generally over the plural tax.

I realize the need for propaganda. We have already had a certain amount of propaganda, but it is difficult and wrong to anticipate the approval of this Council to matters which are to be debated. It is making this Council a farce for me to go to the reserves and say "Of course this bill is coming before Legislative Council", but this is what is going to happen, no matter what happens then. I have been waiting until this bill received the sanction of the Council

before completing our scheme of propaganda, which will be intensively carried out from now onwards. I have already referred to some of the matters raised by the hon. Member for Kiambu. I did not quite follow her argument when she said that those of her natives whom she had interrogated had approved of the proposal but that she had then found that they had three huts each. She held that the consequence of that increased poll tax was that wages were going to increase. If they have three huts they each now pay Sh. 36, whereas they will in future each pay one single poll tax of Sh. 16. The logic of this is that wages will decrease, rather than increase.

MRS. WATKINS: On a point of explanation, I said they hoped to have three wives.

MR. HOSKING: I think I have dealt with most of the points raised. I said before that I have your authority, sir, to state that this bill will be referred to a select committee, and some of the points as regards drafting will be dealt with in that committee.

The question was put and carried.

MR. BROWN moved that the bill be referred to a select committee comprising himself as chairman, Mr. Hosking, Mr. Tomkinson, Mr. Fazan, Mr. Cooke, Mrs. Watkins, Dr. Wilson and Mr. Kasim.

MR. HARRAGIN seconded.

The question was put and carried.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 20th August, 1942.

#### Thursday, 20th August, 1942

Council assembled at the Memorial Hall, Nairobi, on Thursday, 20th August, 1942, at 10 a.m. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 19th August, 1942, were confirmed.

#### PAPERS LAID—NOTICE OF MOTION

The report of the Standing Finance Committee on Schedule of Additional Provision No. 1 of 1942 was laid on the table by Mr. Surridge, who gave notice that at a later stage he would move its adoption, and the account for 1941 of deposits and withdrawals in the Kenya Saving Bank by Mr. Tester.

#### ORAL ANSWERS TO QUESTIONS

##### NO. 25.—LAND TENURE COMMITTEE REPORT

MR. WRIGHT:

With reference to the statement made in Legislative Council by the Hon. Commissioner for Lands and Settlement on 22nd April, 1942, to the effect that Government proposed at an early date to make representation to the Secretary of State on the matters of the abolition of the revisable rent system for agricultural land and on the redemption of fixed rents on both agricultural and township land, will Government be pleased to say:—

- On what date was the promised representation posted to England?
- What was the nature of the representation?
- What is the nature of the reply to the representation?

MR. SURRIDGE: (a) On the 13th of June, 1942.

(b) The representations made to the Secretary of State on the two questions referred to were in accordance with and in supplementation of the statement

made in Legislative Council by the Hon. Commissioner for Lands and Settlement to the effect that the Government was impressed by the arguments of the committee in favour of the abolition of the revisable rent system and also of the redemption of rents on both agricultural and township land.

(c) No reply has yet been received from the Secretary of State.

MR. WRIGHT: Arising out of the last part of the reply, would the hon. member give an undertaking to give me a copy of the reply when received?

MR. SURRIDGE: It depends on the nature of the reply received. It may be a secret document.

MAJOR CAVENDISH-BENTINCK: Could we have some assurance that a telegram will be sent to hasten a reply?

MR. SURRIDGE: Yes, sir.

##### NO. 32.—"BLACKOUT" DAMAGE IN MOMBASA

MR. COOKE:

(a) Is Government aware that during the "blackout" in Mombasa many plate glass windows of shops have been wantonly and maliciously smashed?

(b) Does Government propose to compensate the shop owners in question?

(c) If not, why not?

(d) Are effective steps being taken to prevent this blackguardism in future?

MR. SURRIDGE: (a) During the past twelve months there have been nine instances of plate glass windows of business premises in Mombasa being broken wantonly.

(b) No.

(c) As at present advised, the Government does not consider that the payment of compensation would be a fair charge on public funds.

(d) Steps have been taken which it is hoped will prove effective.

## NATIVE TRUST FUND BILL

## SECOND READING

MR. HOSKING: Your Excellency, I beg to move that the Native Trust Fund Bill be read a second time.

This bill is really consequential on the bill which passed its second reading in the Council yesterday, the Native Poll Tax Bill, and it is to provide for the reception of the funds accruing from the provisions in that bill and for their disposal. The opportunity, however, has been taken to replace the old Native Trust Fund Ordinance which has been on the statute book since 1921. The reason why we are replacing instead of amending the ordinance is because in many ways it is obsolete. It was enacted prior to the institution of the local native councils, which councils absorb many of the funds originally allocated to the trust fund. In fact, the trust fund only operates where the local native councils do not exist.

Passing to the clauses of this bill, certain definitions as to non-native areas and poll tax have had to be inserted. Clause 4 is repeated from the old ordinance, and so is clause 5. The provisions to which I want to draw attention are contained in clauses 6 (b), 7, and the proviso to 7. That is, the reception and disposal of the fund accruing from the poll tax. Clause 6 (b) provides for the money acquired under section 4 of the Native Poll Tax Ordinance to be paid into this fund. The only contentious matter, I think, is how the money is to be paid out. In the proviso to clause 7 it is shown first of all that in the case of the coast the whole Sh. 2 acquired under that section of the Poll Tax Ordinance will be paid into what will be instituted as the Coast Betterment Fund and will be used on the coast for the benefit of the natives of the coast. Outside the coast, the Sh. 2 acquired goes first of all into a trust fund; thereafter half of that remains in the fund and Sh. 1 is paid to local native councils of the district of origin of the native payment. There is some difficulty in determining exactly which natives come from where, but through the good offices of the Chief Registrar of Natives we shall probably arrive at a reasonably accurate system of disposal.

It may be argued that as these funds are acquired mainly in the highlands they should be devoted entirely to the benefit of natives in the highlands who want a trust fund, a very substantial one, in order to provide native services in the highlands in the way of dispensaries, to help education, and in various other ways in which we can help the betterment of the natives residing outside the native areas. Then why not keep the whole of the Sh. 2? First of all, I want to impress upon hon. members that the natives' permanent abiding place is not the highlands area. Is the native in the future to regard himself as a native of the highlands, a native say of Rongai or Machakos settled area, and not of the reserve from which he came? I maintain that natives have their roots still in the native areas and that sooner or later they will return to those areas, where we are building up services from which they will themselves benefit. A second argument which may not carry so much weight in this Council is that we have, in deciding the respective financial responsibility between the central Government and the local native government, counted on this shilling being paid into local native council funds. I must confess that, although as I say I do not expect it will carry much weight in this Council.

The only other matter to which I want to draw attention, I think, is clause 10, the repeal clause. It is not quite obvious why, with the repeal of the Native Trust Fund Ordinance, Part V of the Native Authority Ordinance should also be repealed. That part refers to a joint investment fund which has served its day and has been wound up and will not again be used.

MR. HARRAGIN seconded.

DR. WILSON: Your Excellency, I do not think there is much that I can usefully say in connexion with the bill at the moment. The important part is the application of it and the funds. The hon. Chief Native Commissioner called particular attention to clause 7 (c) (ii). I hope it is not intended that this money which will be raised by the extra tax on the natives employed outside the reserves and living outside the reserves, that that money will be considered sufficient for

## EXCISE DUTIES (AMENDMENT) BILL

## SECOND READING

MR. NORTHROP: Your Excellency, I beg to move that the Excise Duties (Amendment) Bill be read a second time.

This is mainly an enabling bill, to extend the rule-making powers under section 20 of the principal ordinance and to which clause 8 of the bill refers. Uganda and Tanganyika have already adopted legislation on similar lines, under which it is proposed to introduce by regulation new procedure for the collection of excise duty on cigarettes and tobacco. There is no manufacture of tobacco in Kenya at present, or practically none, but owing to the unrestricted movement of goods between the three East African territories under the customs agreement the control which it is proposed to exercise regarding the size of packets and the conditions under which cigarettes and tobacco may be sold should operate similarly in the three territories. So far as Kenya is concerned, in the event of the new procedure coming into force, Uganda and Tanganyika manufactured cigarettes and tobacco on sale in this Colony will be in accordance with agreed standardized weights, that is agreed by the tobacco industry, and stamps will be affixed to the packets which will show the weight of the contents and what duty has been paid. The cost to Government will be in respect of the excise stamps actually used on the packets consumed in Kenya, and it is estimated that this will be approximately £600 per annum. The relative duty on cigarettes and tobacco which is paid to this Government, mainly by Uganda, amounts to approximately £65,000 per annum.

In addition to the rule-making powers, under clause 8 of the bill, the opportunity has been taken to include certain provisions which are usual in excise legislation but which are lacking in the principal ordinance. Clause 3 ensures that the amount of duty payable on a packet of cigarettes or tobacco shall be in accordance with a prescribed maximum weight. Prescribed maximum weights will be fixed in consultation and agreement with the industry. Clause 4 pro-

[Dr. Wilson]

the services those natives require and will not take the place of the money which Government should properly spend on that account or of the duties of employees to care for their own people.

MRS. WATKINS: Your Excellency, it seems to me that the question before us in regard to this bill is not so much the technical allocation of funds as perhaps a slurring of a great opportunity. It seems to me we want to know a good deal more as to how these native trust funds have been used, and the uses that can be made of them. They should not be allocated as though they came from a charitable institution, a lump sum down and that is that. I would like to see funds available for natives to be trained more to help themselves. I think that one allocation of these funds should be for instance for the training of dental mechanics and dentists for native practice. These men should be sent home or to America, wherever they may best be trained, and on returning helped to set up in practice. That is where we must not lose a great opportunity by slurring over the allocation of the funds. It does not matter from whichever part of the reserve or highlands the funds may come so long as they are used for the training of natives and on their welfare and to teach them to serve their own communities.

MR. HOSKING: The hon. member Dr. Wilson asked that the funds paid into the native trust fund should not be regarded as the sole source of betterment in non-native areas. I can quote an instance of the use of the trust fund last year. When an additional ward was required at Nakuru half the money was put up by Government and half was drawn from the trust fund. I trust that the same principle may be observed later on on a pound for pound basis, but I can give no specific guarantee though there is precedent for it. Regarding the remarks of the hon. member Mrs. Watkins, they do not actually affect the provisions of the bill before us, but her suggestion is a valuable one and will be borne in mind by the trustees in making recommendations for the use of the moneys in the fund.

The question was put and carried.

[Mr. Northrop]

vides for the amendment of a manufacturer's contract to sell in the event of an increased reduction or abolition of the rate of duty being made subsequent to the date of the contract and before delivery of the goods from stock. This is a similar provision to that in the Customs Management Ordinance relating to imported goods. Clause 5, as stated in the "Objects and Reasons", ensures that the full duty shall be paid on any excisable article on which a rebate of duty has been allowed, "if such article is dealt with in a manner inconsistent with the conditions under which such rebate was granted". This will cover the payment of excise duty in the event of the disposal of military stocks after the war of articles previously allowed under duty free concessions. Clause 6 extends a customs officer's powers of entry and inspection to include trading premises. This is an additional safeguard to ensure that the ordinance is being complied with. Clause 7 introduces provisions usual in customs legislation relating to the burden of proof, and forfeiture of articles, in the event of criminal proceedings being instituted under the ordinance. I have already referred to clause 8, containing the rule-making powers. The proposed measures have been fully discussed with the manufacturing interests concerned and agreed to by them.

Mr. HARRAGIN seconded.

Mr. NICOL: Your Excellency, may I ask the hon. mover if a similar bill is being introduced into the legislatures of the adjoining territories of Uganda and Tanganyika?

Mr. NORTHROP: In reply to the hon. Member for Mombasa, ordinances have already been passed in both Uganda and Tanganyika.

The question was put and carried.

## PHARMACY AND POISONS BILL.

### SECOND READING

Dr. PATERSON: Your Excellency, I beg to move that the Pharmacy and Poisons Bill be read a second time.

At the present time the control of the sale of drugs is dealt with in two ordinances on the statute book. The first of

this is an ordinance concerned with the control of dangerous drugs which is dated 1932; that ordinance is up to date. It is concerned, however, only with one particular class of drugs, namely habit-forming drugs such as morphia and cocaine. There are, however, many other substances and drugs which are dangerous besides these, poisons such as cyanide of mercury and a great many modern drugs such as luminal, and the sulphonilamides, and so on, and their sale is controlled by an ordinance dated 1909, which is now long out of date. I think the nature of the proposed new ordinance will be made most clear if I explain what the present ordinance does not do.

The present ordinance does not prevent or prohibit the sale of poisons by anyone whatsoever in the country, be he a European shopkeeper, an Asian shopkeeper, or an African shopkeeper, provided the poison is sold in the package in which it was received by the seller. Therefore, in any small African *duka* there might be sold to anyone, cyanide, any of the new dangerous drugs such as luminal, any acid, or anything else of that sort, and they might be kept anywhere in the shop. That, I think hon. members will agree, is an unsatisfactory state of affairs. The second thing the present law does not ensure, and here it is to save the public from themselves, there are no rule-making powers under which it is ensured that any particular drug can only be obtained on the prescription of a medical man, so at the present time people can buy anything, as much luminal, for instance, as they like and as much May and Baker 693 as they like and as often as they like. That, I think, is also an unsatisfactory state of affairs. The present bill is intended to remedy these, among other matters, and it is based on a number of what one may call principles. First of all, it ensures that no medicine may be dispensed except by a person who has had adequate training, a person called in the bill a "registered pharmacist", who must be a person who has had some education, four years apprenticeship under another "registered pharmacist", and has passed some rather difficult examinations. That ensures that if you get a prescription from your

[Dr. Paterson]

doctor and take it to a "registered pharmacist" there is some chance of your getting what the doctor intended; and I presume the training of a pharmacist includes not only the dispensing of prescriptions but also the deciphering of the bad handwriting of doctors. Again, the bill makes arrangements for the preparation and production of a "poisons list". That poisons list has to be prepared by a board on which there are pharmacists and chemists and doctors, and it has to be approved by the Governor. The list is to be divided into two parts. Part I will contain those poisons which may only be sold by an "authorized seller of poisons", that is, by a registered pharmacist. Part II contains those poisons which are in general use for agricultural purposes or in industry, and which must be made readily available to the public for those purposes. These poisons may be sold by persons called "licensed sellers of poisons", who must merely satisfy the provincial commissioner that they are reputable people who are likely to know what they are doing and who can make proper provision in their shop for keeping the poisons apart from groceries and things of that sort. Those are the two main provisions of the ordinance.

I would now like to explain what this bill will not do. It will not interfere in any way whatsoever with the sale by any person whatsoever of things like Epsom-salt, aspirin, castor oil, Sloan's liniment, and so on, and it will not prevent any person or any employer of labour from getting adequate supplies of medicines such as "May and Baker 693" for the treatment of their labour, because all that any person will have to do will be to get a medical man to give him a prescription entitling him to buy a bottle of 100 tablets of "May and Baker 693" which will ensure, I trust, that the medical man will at the same time tell the person who asks for a prescription for that drug what it can be used for and what it cannot be used for and how to use it properly. I will deal for one moment with the question of the use of that drug. At the present time, or not so much at the present time but up till recently when there were greater supplies, "May and Baker 693" was being wasted through-

out this country because, being a very valuable drug in certain conditions, people imagined that it would cure everything else. "May and Baker 693" is of use in three conditions, and in three conditions only. It is a very valuable drug for the treatment of pneumonia, a very valuable drug for the treatment of cerebro-spinal meningitis, and a very valuable drug for the treatment of gonorrhoea. It is not, however, of the slightest use for a cold, a sore throat, or headache or bronchitis or anything else whatever, so far as the ordinary run of employers of labour is concerned. It is also a dangerous drug. People may buy and take "May and Baker 693" if they can, and they may take it too long. It is a dangerous drug if it is available to people to treat themselves for gonorrhoea, in two ways: (a) they may take it for too long when it may do them harm, and (b) they may imagine they are cured when they are not. It is therefore highly desirable that it should not be made generally available except where people have an opportunity to be told by a medical man what it is for and how it should be used.

It may be asked, why this legislation should be introduced at the present time. It should, in my view, have been introduced a considerable time ago. It was not introduced earlier in Kenya because Tanganyika Territory got off the mark first. It is rather difficult legislation, and we decided to leave it for a couple of years to see how it worked in Tanganyika. It has worked very well indeed there, and similar ordinances have since been introduced in Nyasaland and in Northern Rhodesia. Those three ordinances and this are based on the home legislation which was brought up to date in 1935. It is very essential that this Ordinance should be similar to those in the other territories and to British legislation, because most of our druggists have been trained in Great Britain and know that law, and also a number of our druggists have branches in all the three territories, and it is desirable that chemists and pharmacists coming from one territory to another should not have to learn a new collection of law. It is particularly important to bring it into operation now, because during war

[Dr. Paterson]

people are subject to many unusual strains. They do not get holidays when they should, and in consequence they try to carry on by taking drugs which they would be very much better without; and while in 1909 it did not perhaps matter that an African *duka* could sell all things in packages—because at that time there were very few poisonous drugs available—a very large number of dangerous drugs have been invented since that time.

Turning now to the bill, clause 2 contains a number of definitions, and an important one is that of an "authorized seller of poisons", which means a person declared by clauses 7, 16 and 17 of the bill to be an "authorized seller". Clause 7 means "any person lawfully carrying on the business of a pharmacist", that is, an authorized seller of poisons is a qualified pharmacist, and that is the only person who may sell. "Dispensing" is an important definition. It means "supplying a medicine or a poison" in accordance with a prescription given by a qualified medical practitioner, and that means that no one but a registered pharmacist may dispense a prescription. That is important; because on occasions prescriptions are taken to people who are not pharmacists and who, not being very skilled in the matter, may give people something which has not been ordered at all. A "licensed seller of poisons" is a person licensed in accordance with clause 27 of the bill to sell the poisons in Part II of the "poisons list", and it is quite a simple matter to become a licensed seller of poisons. "Wholesale dealing" means "for the purpose of selling again in the ordinary course of business" and is exempt from most of the provisions of the bill.

Under clause 3 the Pharmacy and Poisons Board is provided for, which will have two functions: (a) the production of a "poisons list" for consideration by the Governor, and (b) dealing with disciplinary cases. The new board will be strengthened by the inclusion of the Government Analyst and it will be slightly larger.

Part II of the bill deals with pharmacy, that is, the dispensing of medicines, and it states that "no person other than a

person duly registered as a pharmacist" shall carry on business as a pharmacist or dispense any drug or supply any person except under the immediate supervision of a registered pharmacist. There are certain exceptions, and they refer to a company which is under the management of a registered pharmacist, to dentists and veterinary officers dispensing medicines in the course of their ordinary business, who do not become sellers. Furthermore, it is stated, and this is rather important, that no person except a registered pharmacist, under clause 4 (c), shall "assume, take, exhibit or in any way make use of any title, emblem, or description reasonably calculated to suggest that he is registered as a pharmacist." In the explanatory paragraph it says: "For the purpose of paragraph (c) of this section the use of the word 'pharmacist' or 'druggist' or any similar word or combination of words shall be deemed to be reasonably calculated to suggest that the owner of the business and the person having control of the business on those premises are registered pharmacists". In committee I propose to move an amendment to the effect that after the word "druggist" there shall be inserted the words "or 'medical'". The reason for that is that, as hon. members will remember, in England, and I think in Ireland, a chemist's shop is sometimes called a "medical hall", and any person would take such premises to be a proper chemist's shop run by a registered pharmacist. In this country we sometimes find the term "Medical Stores" in use, and that would suggest that that is a place where there is a registered pharmacist in charge, and if you went inside, you might also think that it was so, but if you took a prescription there and asked for a certain thing you might, as has actually happened, get something else. In order that there shall be no doubt about the matter the word "medical" should be inserted in this clause. The last paragraph of clause 4 is important, that "nothing in this section shall be deemed to make it unlawful for any person to sell any non-poisonous drug provided such drug is sold in its original condition as received by the seller", so that you will still be able to get aspirin and drugs of that kind anywhere.

[Dr. Paterson]

Clauses 5, 6, 7, 8, 9, 10 and 11 deal with the registration of pharmacists and their qualifications; to become registered a person must be at the present time a registered druggist, or must be registered in the United Kingdom or hold a certificate recognized by the Pharmaceutical Society of Great Britain. Clauses 12, 13 and 14 are disciplinary, and make provision for the removal of the name of a pharmacist from the register if he engages in an improper way in his trade. Clause 15 deals with the registration of premises, which is equally important, and clause 16 refers to certain exemptions.

Part III of the bill deals with the "poisons list". The board, assuming it is appointed, has to prepare a list bringing up to date the poisons list for the Colony. It will be based on the poisons list in operation in Great Britain. Roughly, Part I of the poisons list includes the dangerous alkaloids, and a number of new preparations which are used in the treatment of human diseases which are rather dangerous. Part II contains those substances such as arsenic and the commercial acids to which the public must have reasonable access. Clause 21 deals with the supply of poisons in Part I of the poisons list. It makes provision that a chemist must keep a note of the name of the person supplied, must not supply to anybody he does not know or who has not been vouched for in proper fashion. Clause 22 deals with Part II of the poisons list which shall not be on sale except by proper licence. Clause 23 deals with labelling, and 24 merely exempts certain people from the preceding clause, such as doctors, who have to give medicines in an emergency, and it exempts medicines given on prescription from being labelled "Poison", because some people do not like that and ought not always to know what they are taking, but as a prescription deals with one person only the danger is small. Wholesale dealers are exempted from most of these provisions, the chief point being that a wholesale dealer must get a licence from the board in order that we know who the people are who are dealing wholesale with poisons.

Clauses 26, 27 and 28 if the bill deal with the sale of commercial poisons, and a register will have to be kept; otherwise the matter is rather simple. Clause 35 deals with rule-making powers, and (b) is important, as rules may be made to prohibit the sale by retail of any specific poison in Part I except on the prescription of a duly qualified medical practitioner, and that I trust will prevent accidents, at least up to a point such as have happened by people being able to get much more than they really require. (c) is important; under it we may exempt from any of the provisions of the ordinance relating to the sale of poisons any article or substance containing poison, or any class of such articles or substances. This is important, for instance, because concentrated ammonia, for example, is a poison, and if these powers of exemption were not given Scrubbs Ammonia, which is diluted ammonia, could only be sold by an authorized seller of poisons, whereas there is no reason whatever why it should not be sold by any grocer. Rules can be made under this clause with regard to the number of times that a particular prescription may be repeated, and for the retention by the chemist of a prescription for a dangerous poison where obviously it is intended by the doctor that it should only be repeated twice. Arrangements can also be made for controlling the sale of certain patent medicines which ought to be controlled but are not adequately dealt with at the present time.

MR. HARRAGIN seconded.

MR. NICOL: Your Excellency, I listened very carefully to the hon. member's introduction of this bill, and I do not think any of us would object at all to the main principles of this particular bill, but there are one or two small points I am not satisfied about. One is that it does appear that commercial houses who are not in the strict sense of the word pharmacists are to be debarred from carrying on their recognized trade or acting as representatives of manufacturers of industrial chemicals and other such businesses, and acting as distributors to retailers or to consumers. Clause 27 allows for poisons in the Part II list to be sold, but I take it that, for example,

[Mr. Nicol]

cyanide, which is used industrially for gold mines, would be a Part I poison. Now it may be argued that clause 25 covers that particular point, but I do not think it does, because clause 25 starts off: "Except as is hereinafter specifically provided nothing in the foregoing provisions of this ordinance shall extend to or interfere with (a) the sale of poisons by way of wholesale dealing". If you turn to clause 27 it says here: "For the purposes of this ordinance there may be licensed certain persons who, not being registered pharmacists, shall be entitled to sell poisons in Part II of the poisons list". In regard to Part I of the poisons list it is definitely laid down that a person has got to be a pharmacist and I want to get that cleared up because it is rather important from the industrial point of view. Again in clause 16 it is stated that "a company carrying on the business of a pharmacist to be registered under this ordinance provided that (i) the business, or any branch thereof, is under the personal management and control of a registered pharmacist". That is all right, but it does not really apply to importers who sell either by wholesale or retail or distribute to consumers.

I would have preferred that instead of waiting until the bill became law and a board was formed, that a schedule might have been published first of all of the suggested categories of the various drugs concerned, and I would like to urge that before we go further with this bill we might adjourn the matter so that the hon. Director of Medical Services could produce something for us to consider in the nature of a schedule. We might be able to get over the objections I have raised—I put forward the suggestion in trepidation that my hon. and learned friend the Attorney General will not agree—by putting in in clause 35 a further exemption clause making it possible for Your Excellency, perhaps, or the board, to exempt certain concerns or individuals who are carrying on a recognized trade dealing in industrial poisons to be legally allowed to continue such trade.

LORD FRANCIS SCOTT: Your Excellency, there is one aspect which will be affected by this bill and that is the posi-

tion of farmers on their farms. By law and by practice, every farmer and farmer's wife has to be a medical practitioner for the natives on their farms, and they have to have certain stores and drugs there available to be used when natives become ill. Now, this is going to make it very much more difficult for them. In normal times it is not too easy to go in and get a medical officer's certificate every time you want to purchase some poisonous drug, but at the present time it is almost impossible, owing to lack of petrol, tyres and so on, to travel and do it. Now, no doubt, as the hon. mover has said, the well known drug M. & B. 693 may have been used in cases improperly and where it was not the proper drug to use, but on the other hand we have many cases of the illnesses which he mentioned where it is the correct treatment and which one does know from actual practice has been of great help to sick natives, and sometimes may have saved their lives. I do trust that he will take administrative action so that the local medical officers can give some sort of general authority to recognized and responsible farmers to be allowed to have certain stocks of these drugs on their farms which they can use in case of emergency without having to go in and get a medical officer's certificate every time. It is an important matter and I feel sure the hon. mover will want to meet us in this matter, and I hope he will take practical steps to do so.

DR. WILSON: Your Excellency, in view of the adequate speech by my hon. friend the Director of Medical Services introducing this bill, I do not think there is anything I can usefully say further in support of it. I hope the point raised by the last speaker will be adequately met because it is a very important point. I do think that this bill might have been brought in a good while ago because, if I understood the hon. mover correctly, it is some 33 years since any attempt was made to alter legislation of this nature, and legislation of this nature, even in a country which might be called comparatively uncivilized, is extremely important. In view of the exhaustive explanation of this bill in all its details by the hon. mover and the fact that he has

[Dr. Wilson]

been watching the operation of a similar bill in a neighbouring territory for two years, I think we can take it there are no concealed snags in the bill.

I think the last paragraph of clause 40 is important and will be a great help. So long as medicine can be sold in unopened packets that should meet the needs of people up-country.

The important part of the bill, as the hon. Member for Mombasa has said, is the actual list, or two lists, of poisons, and it would have been helpful had there been at least a provisional list. Of course, I know perfectly well the list has to be altered from time to time and should not really be part of the ordinance, but possibly a provisional schedule could have been provided. Had the provision of a list occasioned any further delay in the submission of the bill I should have regretted it, and I do hope that due attention will be given to those words in the beginning of clause 20: "The board shall as soon as may be after the passing of this ordinance prepare and submit to the Governor for his approval a list of the substances", because that is the important part of this bill, to get these dangerous drugs scheduled as soon as possible. I did not gather from the hon. mover whether, as a result of the bill becoming law, it will still be possible for unqualified assistants in shops to supply epsom salts instead of cough mixture. Even if that were to happen I do not think that very much harm would be done. I support the bill.

DR. PATERSON: Your Excellency, if the hon. Member for Mombasa will refer to clause 25 (1): "Except as is hereinafter specifically provided nothing in the foregoing provisions of this ordinance shall extend to or interfere with (a) the sale of poisons by way of wholesale dealing"—provided that certain things are done—and then if he will refer to 25 (6) he will note: "In the case of poisons in Part I of the poisons list the provisions of sub-section (2) (a) of section 21 of this ordinance must be complied with". Sub-section (2) (a) of section 21 reads: "The seller of such poison shall not deliver it until (a) he has made or caused to be made an entry in

a book kept for the purpose, to be called the poisons book, stating in the form prescribed the date of the sale, the name and address of the purchaser and of the person, if any, by whom the certificate required under sub-paragraph (c) (i) of sub-section (1) of this section was given, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required". There is nothing in the bill which will interfere in any way with the trade to which he referred.

MR. NICOL: On a point of order, clause 21 (a) stipulates that he is an authorized seller of poisons within the meaning of section 7 of this ordinance. Section 7 of this ordinance says: "Every person lawfully carrying on the business of a pharmacist . . . shall be an authorized seller of poisons within the meaning of this ordinance", and this authorized seller of poisons within the meaning of the ordinance has to be a registered pharmacist.

DR. PATERSON: I made the same mistake myself when reading it a few days ago. It is not 21 (1) (a); it is 21 (2) (a).

MR. NICOL: It is still covered by section 7—

DR. PATERSON: It is 21 (2) (a) that has to be complied with, and that merely means that a record has to be kept; he does not require to be an authorized seller of poisons.

LORD FRANCIS SCOTT: On a point of order, sir, it says "the seller of such poisons . . ." and above it says the seller shall be "an authorized seller of poisons within the meaning of section 7 of this ordinance".

DR. PATERSON: Section 25 (1) says that nothing shall interfere in the way of wholesale dealing provided that certain things are done. Then we come down to 25 (6): "In the case of poisons in Part I of the poisons list the provisions of sub-section (2) (a) of section 21 of this ordinance must be complied with"—not that the provisions of any other part of 21 may be complied with, but only 21 (2) (a).

With regard to the remarks of the noble lord, I would say that it does not require a visit from the farmer into, say,

(Dr. Paterson) he can write to the medical officer there and ask him for a prescription authorizing him to buy the necessary amount, and I would assure the hon. member, and also all other people who are in his position, that I shall do everything I can to ensure that the treatment of Africans on farms, or of themselves, is not unduly interfered with; at the same time taking some trouble to ensure that no harm is done.

Lord FRANCIS SCOTT: On a point of order, I would like to point out that a letter from a farmer to the doctor and return of the prescription will take the best part of a week, during which the patient would probably die.

Dr. PATERSON: I trust that adequate stocks would be kept by the farmer to deal with emergencies.

With regard to the point raised by the hon. Dr. Wilson in connexion with the poisons list, we have prepared a poisons list, but I do not think we need have it printed at the present time. It is bound to be based on the poisons list at home, and the conditions here, in Tanganyika and Rhodesia are all exactly similar.

The question was put and carried.

#### INCREASE OF RENT AND OF MORTGAGE INTEREST (RESTRICTIONS) (AMENDMENT) BILL

Mr. BROWN: Your Excellency, I beg to move that the Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill be read a second time.

By section 13 of the principal ordinance a landlord is required to give a tenant a statement in writing showing what the standard rent is if a tenant asks him to do so. Sometimes the affairs of the landlord are managed by an agent or a clerk; sometimes the landlord is not in the country, and so this bill amends that section to put the agent or the clerk in the same position as the landlord in regard to section 13, and to impose upon the agent or the clerk the same liability as the landlord.

Mr. HARRAGIN seconded.

Mr. NICOL: Your Excellency, unfortunately, or fortunately—it is a matter of opinion—we have not got the

record of the debates when a previous amending bill was brought before Council the last time we met. At that time I did ask for certain other amendments to be considered and to be incorporated in a new bill as soon as a new amending bill was brought along. This actually does not cover one of the points which I raised, and my hon. friend the Commissioner for Local Government, I think, indicated that he would go into the points and if it could be done would bring a suitable amending bill forward. I hope that my remarks of April will not be lost sight of.

The question was put and carried.

#### NATIVE TRIBUNALS (AMENDMENT) BILL

##### SECOND READING

Mr. HARRAGIN: Your Excellency, I beg to move that the Native Tribunals (Amendment) Bill be read a second time.

The history of this bill is not without interest. The original parent ordinance was passed in 1930 and was based to a great extent on the ordinance which was already in force in the neighbouring territory of Tanganyika, where it had been tried out for some considerable time. In Tanganyika the court was definitely ousted of its jurisdiction by the Tanganyika Ordinance, and I verily believe that when the Legislative Council in Kenya passed the 1930 Ordinance they imagined—the Attorney General as well—that they were ousting the jurisdiction of the Supreme Court. There was, however, a legal technicality which had been overlooked which was the fact that, whereas in Tanganyika the native court is a court under the Courts Ordinance and therefore subject to the Supreme Court and is recognized by the Supreme Court as a court with jurisdiction, in this country a native tribunal is not a court; it is something which is not subject to the Supreme Court in any way and is therefore not recognized by them as a court of jurisdiction, and for that reason its judgments are not recognized when they come before the Supreme Court subsequently.

The next thing that happened in this country was in 1932, when an amending bill was passed which again did not meet

(Mr. Harragin) this particular point, but merely ousted the jurisdiction of the Supreme Court in cases referring to land and ousted the jurisdiction of the Supreme Court on appeal. That meant that, although in the ordinary way an appeal will lie with the Supreme Court on any point of law from the decision, let us say, of a provincial commissioner sitting on an appeal, in cases in which land or immovable property of all sorts was the subject matter of the case these cases were forbidden to go further than the provincial commissioner. I feel sure that again Legislative Council thought "Well, now that has for ever ousted the jurisdiction of the Supreme Court"; but what was forgotten was this. Although in the Native Tribunals Ordinance the following words occur: "Provided that civil proceedings relating to immovable property would be taken in the native tribunal within the area of whose jurisdiction the property is situated", this was thought by some to mean that you could only start your case in the native tribunal, in which event you could only then follow the normal process of going from the native tribunal or native appeal tribunal to the district commissioner and from the district commissioner to the provincial commissioner. It does not say that you shall not start in the Supreme Court, and under the Order in Council the Supreme Court, unless there is some law to the contrary, has complete jurisdiction in all matters in the Colony. You therefore arrive at this rather ridiculous position, that having started your case in the native tribunal, having lost it there, having lost it before the native appeal tribunal, having lost it before the district commissioner and before the provincial commissioner, you would then (if you were rich enough) start *de novo* and bring a new case before the Supreme Court, which would not be able to take cognizance of what had happened before.

It had been held, and I think reasonably, that all that that sub-section which I read to you meant was that you must start, if you are going to the native tribunal, before the tribunal which has jurisdiction over the land where the land is situated—in other words that you

could not bring a case with regard to some land in the Kiambu district to a native tribunal at Machakos—and that is all that is meant, and the sole object of this is to do what I have suggested we thought we had done in 1930, which was first to ensure that all native cases relating to land shall be brought and dealt with before the native tribunal and follow the course of appeals from native tribunal which I have already indicated, and may not under any circumstances be brought in the Supreme Court. This is being done because we meant to do it in 1930, and because experience has proved that in fact grave hardships have arisen in individual cases. I have already indicated one, which is that it is only the rich man that can find and pay a lawyer to appear for him in the Supreme Court and argue his case. It happens more often than not that the other side is not so fortunate and have no one to appear for them, and it is obvious that grave injustice might be done. Other ridiculous situations arise, namely that in the Supreme Court you cannot expect them to accept the rough and ready rights of occupation which are recognized before a tribunal, and, as happened quite recently, a case was brought before the Supreme Court with regard to a certain bit of land and the first thing that the judge indicated to the complainant in the case was that it was necessary to put in a surveyor's plan of the land in question. It was absurd, although quite correct, of his honour the judge to expect a native to be able to get a surveyor to survey a piece of land in the native reserve, particularly in these days.

That is the first point. The next point and one of great importance, is that whereas when a land case relating to European land is brought before the Supreme Court it is guided by the laws of the land; laws applicable in England; case law in England; case law in this country, but when it comes to a question of native property there is no case law; no actual law written down that a judge can refer to, and he would have to have different laws for every district in the country, even assuming they did exist. So that what you have in each case is this: that the rich man who is able to present his case produces three or four



[Mr. Harragin]  
old gentlemen who come into the court and assure the judge that this or that is the particular law relating to inheritance, shall we say, in that particular reserve, and the judge, not unnaturally, will have to accept that; whereas in truth and in fact it is not the case at all, and the next case that will be brought with regard to a bit of land in the same area by a different party will produce another set of old gentlemen who will tell his honour the judge exactly the opposite. So that you cannot hope for any continuity unless you have the people who really know trying the case, and my suggestion is that in the first place the native tribunal must be the most satisfactory start for any case of this description.

I would like to explain something further because it is quite often said that the native tribunals are not all that they should be. I am not in a position to contradict that, but the hon. Chief Native Commissioner, if that point is raised, can deal with it. What I do say is that, no matter how you have squared the native tribunal, and there are a good many of them who will have to be squared, you will then in turn have to square the native appeal tribunal, let us assume that is possible. But then you come to the appeal before the district commissioner, which is in effect a re-hearing. I want to make that point very clear because the native tribunal, for better or for worse, is not a court of record; it takes down no record of the evidence that is given before it and on appeal, unfortunately, the district commissioner has to start *de novo* and for the first time all the evidence produced is reduced to writing. So that I suggest that if justice cannot be done a tribunal where a great deal of money in the shape of land is in dispute, it should be necessary for the person who is attempting to do the bribing not only to bribe the tribunals but to bribe the district commissioner and the provincial commissioner, which I think all hon. members will agree is absurd, so that from that point of view I think that argument can be at once discounted. Lastly, I think that it is unfair on any unfortunate judge of the supreme court, who has practically nothing to do with native administration in this Colony, has

never had an opportunity of studying native law and custom, who cannot turn to any books because there are no books on the subject, suddenly to have a case hurled at him, presented probably extremely well on the one side, extremely badly on the other, and to be asked to do justice.

I submit the only way to deal with these complicated and rather difficult cases which vary from district to district is by ensuring that the original trial is taken by the tribunal of the district, which presumably will know all the customs of that district, before whom witnesses will hesitate to lie to the extent that they will in the Supreme Court where they are safe and well away from the district. As an example I will quote a case in a neighbouring territory where, at the end of one of these complicated cases, the judge, having heard all there was to be said about it and having heard innumerable witnesses, made an order that the land in question should be vested in X and Y who happened, unfortunately, to be only witnesses in the case and had no claim whatever to the land in question. (Laughter.) That, I suggest, could never have happened before a native tribunal.

This bill has been pressed for by the Administration for a considerable number of years and I commend it with all seriousness to this Council.

MR. BROWN seconded.

MR. WRIGHT: Your Excellency, it is not my intention to oppose this bill in any way, and the hon. and learned mover has removed most of my own fears and apprehensions respecting its purpose, but I think it only fair to state what those are, so that natives particularly who are interested in this issue should be aware that their own fears should be represented. The bill is obviously designed, probably rightly so for cogent reasons, to prevent natives having recourse to the Supreme Court. Theoretically, a native tribunal should be much more competent to deal with native land disputes than a judge of the high court, and the hon. mover has made that clear, but it is also clear that natives have represented that these tribunals are not beyond reproach, that indeed there have been

[Mr. Wright]  
cases of corruption, and the real issue was that the supreme judicial authority was available to anyone in the last resort. The explanation by the hon. and learned mover of the work of the tribunals and the safeguards that follow should there be disputes removes that issue, but having promised one or two interested people on behalf of the natives that I would represent the points of objection I have done so and have complete agreement with the bill as submitted.

MR. COOKE: Your Excellency, it is a rather extraordinary state of affairs that an unlearned person like myself should have to defend a rule of law against my hon. and learned friend who has taken up the cudgels on behalf of the law administrative. My friend has said that judges are ignorant of native law and custom. No doubt that is true, but I always visualize a judge as a man who is in that position because he is used to sifting evidence and weighing evidence and giving his decision on the evidence put before him. My learned friend perhaps at a not far distant date may himself be holding high judicial position in one of these lands. Does he seriously contend that, because he has to try a case involving medical science or engineering science or something abstruse like that, he will first have to take a diploma in engineering or medicine? He is now contending that these old gentlemen clad in goat skins and in other barbaric garb are in a position to weigh evidence as accurately as judges of the high court can. I think for that reason we should retain the natives' right to go direct to the high court rather than allow them to be ousted from its jurisdiction.

Some people think that these native courts in Kenya are run on model lines. Actually, it is very difficult for a district commissioner to give enough thought or enough time to these cases when they come *de novo* in front of him, because he is usually a hardworking man and, with due respect to commissioners, with the exception of my hon. and learned friend the Provincial Commissioner, Nyanza Province, how many administrative officers of the country could, for

instance, write a treatise on the land laws of the Kipsigis or Nandis? I should think few, so that it seems to me that a knowledge of native law and custom does not really enter into the argument at all. My hon. friend gave a particular incident to show absurdities that happen. It is very easy to give a particular incident. If we had the opportunity and the time no doubt we could give other instances where the high court found the most absurd practices in native tribunals, so that personally I do not pay much regard to these particular things.

I would personally be prepared to accept this bill if I got an assurance from Government that at any rate the Africans would have the right of appeal to some judicially minded administrative officer who was seconded to hear these appeals in future. I have been fighting for this principle all my life in this country, and I could not admit that the native should not have access to the high court where a question of land was concerned. So if I got an assurance from Government of some such arrangement, it might make it much easier for me to accept this bill. That is my main objection.

MR. PATEL (Eastern Area): Your Excellency, after hearing the able arguments of the hon. and learned mover, I do not think that anyone can reasonably oppose this amending bill. At the same time, there is no doubt that there are merits and demerits in the present system as well as in the proposed amendment. It must be said that in the Supreme Court one has the advantage of having justice free from corruption or influence, but I have found from my experience at the coast that it is a very expensive procedure for the natives and that justice in the Supreme Court is often long delayed. Moreover, if we accept the principle of native tribunals, it is fair that they should be encouraged to improve progressively and do their job with increasing responsibility. Once we start native tribunals I think it is in the interest of the whole system that increasing responsibility should be thrown on them, so that in time to come they may reach the higher levels which we could wish. At the same time, I desire to suggest that there should be a whole time judicial officer who will acquaint

(Mr. Patel)

himself with native custom and law, who will supervise the work of the native tribunals, make useful suggestions from time to time, and guide them and also be the higher court of appeal. While suggesting that, I also desire to suggest that the appeal from the district commissioner to the provincial commissioner in that case should be abolished, for this reason—that there will be too many appeals otherwise. There will be an appeal to the native appeal tribunal, then to the district commissioner, then to the provincial commissioner, and then to the higher judicial officer, which makes too many appeals and will encourage the wealthy native to go from appeal to appeal. For these reasons I suggest that the native tribunals should be encouraged, and this amendment is one in the right direction, but at the same time a whole time judicial officer who will acquaint himself with native custom and law should be appointed, whose business would be to guide these tribunals, to encourage them, and make an effort to bring them to a higher level, and also to act as the highest court of appeal.

MR. ISHER DASS (Central Area): Your Excellency, the very eloquent speech of the hon. and learned mover should have been delivered in 1905 instead of 1942, because in the early stages it is essential when people are not civilized to have a system of executive and judiciary combined. It is practised in the Administration, but at this stage of development it becomes absolutely essential to have separate functions of executive and judiciary. In 1942, if we suggest that appeal by these natives should still be made to a district commissioner and then the provincial commissioner and then His Excellency the Governor, we are definitely denying the right which is enjoyed by all people in other colonies and in the Empire. In fact, it should not have been possible even to apply this, I say, in 1905, but to-day it is altogether out of the question. The hon. member Mr. Patel suggested the appointment of a judicial officer with the right of appeal to the Supreme Court, which should not be denied to anybody who chooses to go and make use of that right as a citizen of the Colony. Unless the assurance

asked for by the hon. Member for the Coast is given by Government, that the final appeal should be made to someone sitting as a judicial officer with a jury, I will maintain my opposition. I hope the suggestion of the hon. member Mr. Patel will be accepted, as this would be an additional advantage to have a judicial officer permanently to guide these natives in their deliberations.

MR. VINCENT: Your Excellency, I think that what we are trying to achieve is justice, and I may be out of order in suggesting that the justice in our own courts (magistrates courts and Supreme Court) probably leaves a lot to be desired inasmuch, as I believe this country holds the record for successful appeals from one court to the other! I do agree with the hon. and learned mover that justice is the predominant point, and there is no earthly use in bringing cases to the Supreme Court upon which it is almost impossible for any judge without local knowledge to achieve the object and administer justice. On the other hand, it appears to me that you have quite a chain of appeals to the district commissioner and then to the provincial commissioner, and now it is suggested further that you might have some other appeal or court of appeal or manner of appeal. I think that our object should be to make justice for the native as simple as possible and cut down the avenues of appeals, and where we cannot achieve our object by taking it to the Supreme Court, although the principle as enunciated is desirable, do not let us cling to a principle that is abortive, do not let us put the native who goes to a court of justice to an expense which is unwarranted. There is no doubt that we all know that even in the lowest of native courts the question of bribery and corruption is very rife, and it is a pity we cannot do more about it, but I do think that in spite of the matter of principle we should make the provincial commissioner the final appeal, because if a provincial commissioner is unable to carry out such duties with the local knowledge and with the facilities which are his in his own district, in my opinion he should not be a provincial commissioner.

MR. HOSKING: Your Excellency, I rise to support the hon. and learned mover, and there is just one other argument which I want to adduce in support of his case. It is reported that in a neighbouring territory it has been a common practice for parties to be in collusion in cases before the Supreme Court. They may disagree about a particular parcel of land, and the judge of the Supreme Court, after listening to the arguments of earnest, possibly ignorant, counsel, can only judge on the evidence produced in his court. He may find the case for A better than the case for B and assign the particular parcel of land to A, but the fact may remain that it belongs neither to A or B but some old man or woman or even child who has heard nothing of the case whatsoever until he finds an order of the Supreme Court ordering A to be in possession of the parcel of land. That cannot happen when the case is tried, as it should be tried, in the venue of the land in question. I admit that not every district commissioner is an expert on the particular land tenure in the district to which possibly he may have only recently been appointed, but he knows where the land experts are to be found in that area and can assure that this evidence is produced before his court of inquiry. The same does not obtain in the Supreme Court, where the judge is handicapped by having to judge on the facts as represented to him irrespective of the fact that the true facts of the case may not really be represented at all.

DR. WILSON: Your Excellency, I am very grateful to the hon. and learned Attorney General for what I think is a very convincing case, and his speech in support of the bill I think completely cleared the air, and I am grateful for the explanation by the hon. Chief Native Commissioner. I am quite convinced myself that by this method it is more likely that justice will be done, and I believe it will be the less desirable class of native who will wish for anything but an appeal to the district or provincial commissioner. At the same time, I do hope Government will consider the suggestion of the hon. member Mr. Patel, that possibly a special officer might be appointed to whom an appeal might go instead of the provincial commissioner.

That to my mind is a suggestion which deserves consideration.

MR. TOMKINSON (Provincial Commissioner, Central Province): Your Excellency, I am rising to support the bill, and I feel I should say one or two words on native tribunals as I have had for so many years so much to do with them. The suggestion has been made that there should be a special judge, a judge who would have special knowledge, I should like to know where he is obtainable and how long he will take to get his special knowledge. To attain to the status of a provincial commissioner takes a great number of years, and I think that if a judge has to wait all those years to gain experience he will not have very much longer to go. I would like to stress that during the last 20 years or so there has been a very great change in the native tribunals. It was perfectly true there were the old gentlemen referred to as in goat skins, but I think we must remember now that many members of the tribunals are educated natives who do read and do take an interest in native custom. Matters have changed very much in that way. I would indeed welcome any member on the other side of Council if they would come into the native reserves and see some of these tribunals functioning. I think they would be struck with the change. There is a considerable sense of dignity among the elders. I do not deny that cases of corruption do occur, especially and more frequently in the lower or first tribunal, where it is almost impossible not to find members who have some interest in some piece of land.

I feel that the Supreme Court cannot really, as the hon. mover said, assess the facts of these cases. Take the case of land controlled by a clan: If it goes to the Supreme Court there are native claimants of right to that land. Can a judge of the high court know whether those rights are merely occupancy rights or rights of ownership subject to clan control? I do not see how he can. The hon. member Mr. Isher Dass raised the question of the separation of judicial and executive functions. I think it was known that in the earlier days it was inevitable that chiefs took part in the tribunals and gave judgment. I would inform this Council that that practice has practically

[Mr. Tomkinson]

ceased and no chief can act in a judicial function in the Central Province, and I am aware that that is practically the same condition prevailing in the Nyanza Province. The hon. Member for the Coast mentioned the fact that district commissioners were very busy people and he expressed some doubt as to whether a district commissioner had time to go into these cases. I should like to deny that. I as an appellant authority under the Native Tribunals Ordinance take a very considerable number of appeals during the year, and the records of the district commissioners are generally so lengthy that I call for them about a week before I go to a station to hear the case, and I shall be glad to show the hon. member some of the records which I have to peruse before I actually take the case. I would in conclusion express my great pleasure that this bill has received a welcome and good reception in this Council. I feel that it will do much to strengthen the tribunals, and with their increased responsibilities I think we may expect increased integrity.

MR. HARRAGIN: Your Excellency, I think I can say with truth that I have never listened to a more fruitful and helpful debate than the one which has taken place on this bill, and I am extremely lucky to be able to be in a position to tell the hon. Member for the Coast that Government has, in fact, under consideration the appointment of a judicial officer to which he made reference and to whom other members made reference, including the hon. member Mr. Patel. It is not merely the case, as I know he will be the first to say, of being one of those things under consideration and nothing happens. The fact is Government has already got as far as having moved the Legal Department to draft an amendment to the ordinance to make provision for such an officer and setting out what his duties are to be, work which I can assure hon. members is not undertaken for fun but when we are really driven to it because Government intends to move in the matter. It is a matter for serious consideration, and the hon. Member for Nairobi South hit on a very real point when he said we

did not want to add just another appeal, making the fifth in order, that an unfortunate man has to go through in his search for justice. It was tacked on to this bill when I submitted it to Government, but it is postponed firstly because the particular officer we hoped to have by this time is not yet available and, as was quite rightly pointed out by the last speaker, it is extremely difficult to obtain anyone with the necessary qualifications for the job. However, I can give hon. members my assurance that this a matter which we are very alive to and have every intention of pushing through as soon as it is humanly possible. Whether it will be an appeal court or an adviser to the Governor or an adviser to the provincial commissioners will be matters for us to settle when the bill comes before us, but it is perfectly true that such a person is, in my opinion, and in the opinion of Government, a necessary person for the future of native tribunals, and I would say here that his duties will not only be with regard to appeals but to supervise these old gentlemen we have heard about who do their duties so well, according to the last speaker, in the Central Province. He will be able to advise and guide them by going around and seeing how the cases are tried, and I hope that in time we will be able to get some record of cases. Some hon. members mentioned the point that the trouble was that no records were made by these tribunals. It would be quite impossible at the present moment to have records worth anything made by the tribunals, but I really believe that in the near future some useful records will be made, thanks to the efforts of the hon. Director of Education in the native reserves.

There is one other small point I should like to take up. That was the very excellent point made by the hon. Member for the Coast, that a judge of the Supreme Court has from time to time to try cases with regard to engineering, for example, of which he has no knowledge and has to be a judge of fact, and that is why he is there. That is perfectly true, but he is guided when doing that by the law he is supposed to know. In this particular case regarding these natives, there is no law to guide him, and he has to rely for

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knowledge of law on a particular subject on the particular old gentlemen who happens to come from a reserve in a blanket and stands up in the witness box and says whatever he thinks suits him best. In view of the fact that this bill has received the blessing of most hon. members of this Council, if not all, I will not waste time further, except to say that I will make it my personal business to see that the undertaking which I gave in the beginning of my reply is implemented as soon as it is humanly possible.

The question was put and carried.

NATIVE LANDS TRUST (AMENDMENT) BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Native Lands Trust (Amendment) Bill be read a second time.

The principal ordinance was enacted in 1938 with the object of giving legislative sanction to the recommendations of the Carter Commission. It was a very comprehensive measure dealing with all the complex aspects of native land security and tenure. It was only to be expected, therefore, that after the ordinance had been operation for a few years there would be revealed, in the light of experience, minor discrepancies and omissions which would require rectifying. The present bill is intended to amend some of those discrepancies which have come to light, and the bill has the object of carrying out the intentions of the Commission where, by reason of vagueness, typographical errors or omissions, the present law is defective.

I will explain briefly the purport of these amendments, dealing first of all with those of minor importance. Clause 3 is an amendment of section 28 (3) of the principal ordinance. Section 28 provides for exclusions from native land units of land acquired for public purposes. One of these public purposes is the development of electric power schemes. The section provides that consultations shall take place with the natives concerned, the local land board, the local native council, the Central Lands Trust Board and so on. Under sub-section (3)

it is laid down that where such exclusion does take place the Governor shall add to the native land unit a piece of land, contiguous if possible, of equivalent value. During the time when the ordinance was being drafted certain hydro-electric projects for the benefit of the Colony as a whole were under consideration by the Government. There are in the Tana River certain waterfalls which have been under consideration from time to time as a source of electric power. One of these sets of waterfalls is known as Seven Forks, and there was actually a proposal on foot for the development of the Seven Forks waterfalls for hydro-electric purposes. That particular scheme was abandoned for the time being in favour of the Maragua-Tana scheme. It seemed practically certain at that time, and in my opinion it is certain that, sooner or later, those Seven Forks waterfalls will be required for the development of electric power when the demands for power increase beyond the capacity of the present provisions.

The land surrounding the Seven Forks waterfalls is in the Kikuyu Native Land Unit. We were looking forward at that time to the time, probably not far distant, when it would be necessary to develop the Seven Forks waterfalls. If, when that time came, it was decided that it would be more practicable to take the necessary land by means of exclusion rather than by setting apart, it would be essential to comply with the provisions of the law that an area of land of equivalent value should be added for the use of the natives. The only area contiguous to the Kikuyu Native Land Unit which was available for that purpose was an area of some 25 square miles in the Western Yatta. That area was specified by the Land Commission as a D area; that is, a piece of land which might be alienated for the use of any race. The land has ultimately become part of the Highlands by means of exchange whereunder certain other lands were added to the native lands. It seemed more than likely that when the time came for the development of the Seven Forks waterfalls the land would no longer be available. It therefore seemed wise to anticipate the time when a portion of land from the Kikuyu Land Unit would be excluded, and to

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add to the native lands a compensatory area in advance, and so, in fact, in anticipatory compensation of the 3,530 acres which we deemed would be required from Seven Forks, an area of 5,295 acres, a 50 per cent increase which was deemed to be equivalent in value, was added to the Yatta Native Reserve, and this proposal was fully explained to the natives concerned at the time and met with general acceptance.

In the first draft of the bill it was intended that the distinction proposed by the Land Commission between native land units and native reserves should not be maintained, but that all should be regarded as native lands, and therefore when the proviso to cover this particular point was put into the bill it read: "and provided further that in any case where an equivalent area of land has been added to the native lands before and in anticipation of any individual exclusion, no additional area need be added under the provisions of this subsection". It was ultimately decided, however, that the distinction between native land units and native reserves must be maintained. Unfortunately, however, while the bill in general was amended to cover that point, the amendment of this proviso was overlooked. The land has, in fact, been added to the native reserve and not to the native land unit. What we desire to do now is to make this law agree with the facts by the insertion of the words: "or to a native reserve". The effect will then be that where the land has been added to the native lands or to a native reserve there will be no need to make a further compensatory addition of land.

Clause 4 is an amendment of section 30, which provides for compensation for disturbance of natives where their land is either permanently or temporarily excluded from the native land unit under the provisions of Part IV of the ordinance. By that limitation those particular compensation sections are restricted to exclusions for public purposes or for mining. There is another section of the ordinance under which land may be excluded from a native land unit; that is section 7. Section 7 provides for the

exchange of a portion of land within a native land unit for a portion of land outside the land unit. The major portion of the section covers a proposal for an exchange of land by means of a lease, but there is a proviso to sub-section 5 of that section which says that if all the parties concerned and this Council are agreed that the conditions are such as to make it advisable that the exchange should be permanent, then the land may be excluded from the native land unit and a portion of land added on a permanent basis. Unfortunately, however, no provision was made in the law for compensation for disturbance in such an event, although it is quite obvious that the native who is disturbed by reason of exclusion under those conditions, is just as much entitled to compensation as if the land were taken by means of leasing or if it were excluded for public purposes or for mining purposes. By the insertion in section 30 of a reference to the proviso to section 7 (5) it is proposed to remedy this defect in the present law.

Clause 5 is an amendment of section 35 of the principal ordinance. In the Native Lands Trust Ordinance, 1930, it is laid down in section 11 that where a transfer or mortgage of any land leased under that ordinance takes place, the consent of the Native Lands Trust Board is required. In the 1938 ordinance the procedure is much simplified and the provincial commissioner is made the consenting authority. Some public inconvenience and delay have been occasioned by the necessity of getting the consent of the central Native Lands Trust Board every time anyone wishes to transfer or mortgage a bit of land held under the provisions of the earlier law. Clause 5 has as its object to bring under the same general provisions land held under the 1930 ordinance and to make the provincial commissioner the consenting authority in that case in addition to the land held under the 1938 law.

Passing over clause 6 for the moment, and turning to clause 7, this clause is intended to rectify an omission in the principal ordinance. The establishment of new townships and trading centres in native land units necessitates the setting apart of land in the first instance and

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for all the legal machinery to be set in motion for the consideration of claims for compensation for disturbance of land rights and so on. There were, of course, when the bill was drafted a large number of townships and trading centres in native land units which had been in existence for many years and which were fully recognized by the natives concerned as being there by right and recognized too as lands in which they had no further claim. The necessity of making provision to safeguard those existing townships and trading centres was overlooked, and we now propose to remedy that defect by providing that all townships and trading centres in existence when the ordinance was enacted in 1938 shall be regarded as having been duly set apart under the provisions of the principal ordinance. There are, however, two exceptions to this condition which are excepted on the recommendation of the Land Commission in paragraph 1551 of their report. Those two exceptions are the townships of Fort Hall and Kakamega, where certain native rights still exist which have not been fully dealt with under the provisions of the law. The formal setting apart of the land required for township purposes in both of these areas will still remain necessary.

Clauses 9, 10, 11 and 12 correct small errors and discrepancies in the descriptions of native lands appearing in the schedule to the principal ordinance.

I turn now to the principal amendment proposed in this bill, and invite attention to clauses 6 and 8 of the bill, together with clause 2. Clauses 6 and 8 are amendments to sections 49 and 70 of the principal ordinance. Those sections were intended to carry out the recommendations of the Carter Commission in paragraph 1854 of their report dealing with their fifth term of reference. In that term of reference the Commission was required "to consider the nature and extent of the rights held by natives under section 86 of the Crown Lands Ordinance (Chapter 140 of the Revised Edition), and whether better means could be adopted for dealing with such rights in respect of (a) land already alienated and (b) alienated in the future". The majority of hon. members present are,

of course, familiar with the history and background of that specific problem. For a full appreciation of the problem I would invite hon. members to re-read Chapter 7 of Part III of the Commission's report. I will not occupy time by going over a lot of past history, but for the purpose of explaining the present amendment I will merely say that the Commission had to make recommendations for dealing with a large number of natives who were residing on European farms and who had been there from some date before the land was alienated to Europeans. Those natives were recognized by the Commission as having certain vested rights which required protection. Their recommendation was that all such rights should be extinguished, that is if the remainder of the Commission's report was accepted, and that the natives concerned should be provided with other land for their accommodation.

Section 70 extinguished those rights and section 49 provided adequate safeguards against any injustice being done to the natives concerned and made provision to protect them from hasty or ill-considered action. Those native claims are almost entirely confined to the members of the Kikuyu tribe living in the Nairobi district, and it was certainly those people the Commissioners had in mind and whom Government had in mind when the 1938 ordinance was being drafted. In 1936, two years before the enactment of the principal ordinance, preliminary investigations took place. Immediately after the enactment of the ordinance, Government took steps to put into effect sections 70 and 49. An Administrative officer, Mr. P. Wyn-Harris, was charged with the duty of reviewing all claims of right and dividing up the available land and arranging for the removal of native claimants whose claims were accepted. There was in the law no definition of what was meant by claims of right. For practical purposes the interpretation which appeared to have guided the Commission was accepted, that is, that a claim of right should be deemed to exist where an African was in occupation of land before it was alienated and at the date when the Commission was appointed still remained on that land. The fact that Mr. Wyn

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Harris's investigation was to take place was made very widely known throughout all the districts concerned by every possible at the command of Government. There is no reasonable ground for doubting that all the natives in the Nairobi district who might regard themselves as having claims of right were fully aware of the opportunity that was given to them to state their case and to have their case well and truly heard. There is no doubt whatever that all the claims that were submitted were very fully investigated and that just results were arrived at. So far as other districts than Nairobi are concerned, the Commission expressly recommended that their proposals for additions to the native reserves should be regarded as satisfying all claims and that no individual claims should be considered. Mr. Wyn Harris completed his task about the middle of 1940 and the removals have now been satisfactorily completed. It is largely to the credit of the energy, firmness and tact of Mr. Wyn Harris that nearly 4,000 natives were removed and settled on their new land with very minor objections. (Hear hear.) In five cases only was it necessary to apply legal measures to evict the persons concerned. There remain to be dealt with a very few cases which do not fall strictly within the terms of the investigation but which were recommended for sympathetic consideration on the grounds of equity by Mr. Wyn Harris.

To everyone who is at all acquainted with the facts it is abundantly clear that the purpose of sections 49 and 70 has now been served. But, and here is a very big but, the sections are unlimited in their scope as regards both time and locality. So long as these sections remain part of the law, there is nothing to prevent the submission of further claims from any part of the Colony and at any time, probably long after the officers concerned in the investigations have passed from the scene and after the farms concerned have changed ownership perhaps several times. Such claims might be entirely fictitious but would be extremely difficult to deal with. As hon. members are aware, after the lapse of a few years it becomes very difficult to say precisely how or when or why any par-

ticular native came to be residing on a particular piece of land. If such claims were to be advanced, one of the most important parts of the Commission's work would be absolutely stultified and the results from every point of view would be deplorable. The words of the Commission in this connexion are so much to the point that I venture to quote them in full. The Commission said: "It is of the utmost importance that the settlement with the Kikuyu should be definite and final and that, when these recommendations have been carried out, the matter of their past grievances should never again be reopened. If finality is not secured, our labours and those of many officers who have been working at the problem for many years, will have been in vain. It is absolutely essential for the peaceful administration of the Kikuyu that these grievances should be finally put to rest. Unless we are sure this will be done, we shall regret our setting our signatures to this report".

In order to obtain finality in this matter, and to remove for all time from the realms of controversy this thorny subject, it is of the greatest importance to impose a reasonable time limit in which claims may be submitted and to lay down that no claims will be considered after the expiration of that period. In order to preclude that any native who has any reasonable ground for assuming that he has a claim of right is unable to advance that claim because of his absence from home on military or some other service, it is important to put a date for the closing of claims far enough ahead. So it is proposed to lay down in the law that no claims will be considered unless they are established before the Governor before an appointed date, and that appointed date shall be not less than six months after the Emergency Powers (Colonial Defence) Order in Council has ceased to be effective. That will give, it is thought, ample time for all natives to be returned to their homes and for demobilization to have taken place. In order to make assurance doubly sure, I propose to move in the committee stage that in line 10 of the bill after the words "Provided that" there be inserted the words "in the absence of any instructions

[Mr. Mortimer]  
from the Secretary of State to the contrary". Because it is conceivable that the Emergency Powers Order in Council may cease to be effective at an earlier date than we perhaps imagine at the moment, and that all the natives will not have been demobilized by six months after that time, so it is proposed to leave the authority with the Secretary of State to have some control over the fixing of the appointed date. Steps will be taken to make the new provisions as widely known as possible among all natives concerned so that no alleged grievance can arise on the ground of ignorance. With this more than adequate safeguard there can, I suggest, be no shadow of doubt that the earnest desire of this Government and of every hon. member on both sides of Council to give any person who can advance a claim of right the fullest opportunity of stating his case and of having his case justly heard will be fulfilled.

MR. HARRAGIN seconded.

DR. WILSON: Your Excellency, may I be allowed to congratulate Government on having had this case so very clearly and convincingly put? We here in this Council are grateful, and posterity may have the same advantage when the speech appears in Hansard.

The question was put and carried.

#### ALTERATION OF TIME BILL

##### SECOND READING

MR. BROWN: Your Excellency, I beg to move that the Alteration of Time Bill be read a second time. This bill regularizes what has been done by Defence Regulations.

LORD FRANCIS SCOTT: Sir, may we be informed of the necessity for having this bill at all? Is the object to make this time permanent? because if it is I am going to oppose this bill.

MR. HARRAGIN: Your Excellency, I can inform the noble lord that the reason why the bill is introduced is at the request of the Services, particularly the Navy and Air Force, who have requested that this should be done because the old

method caused difficulty in calculations and one thing and another, and at their request it has been introduced.

LORD FRANCIS SCOTT: On a point of order, my question has not been answered. Is it to be permanent? I can quite realize it is necessary for the period of the war and I agree to that, but it is a question of permanency after the war.

COL. KIRKWOOD: Your Excellency, I rise for the purpose of getting information. The time has been advanced under the Defence Regulations, and in the bill it should be stipulated that the measure should expire at the end of the war, unless an extension is agreed to by this Council. Apart from that, I think it quite inadvisable that this bill should be introduced and in principle I am against it. It is another quarter of an hour's disadvantage on the producers of the country, and it means that by advancing the time it increases the difficulty of your labour on the farm in the production drive so far as their turning up to work is concerned, more especially in the cold weather. I think the producer has had a had deal over this. It would appear on the face of it that it is only a quarter of an hour, but I think I am right in saying that not long ago, as the result of action by the Governors Conference, the time was advanced by three-quarters of an hour. It is now advanced a quarter of an hour, which makes one hour. When the Daylight Saving Bill was fathered in this Council by the late Capt. Schwartz it was opposed by me, and I moved at the proper time, six months after the bill had been in operation, for its cancellation. A commission sat and took volumes of evidence from Mombasa to Kisumu and the Highlands, and eventually the bill was repealed. But by devious methods we are still frustrated not by Government but by the Governors Conference and Defence Regulations, and have had the time altered on two occasions. But we are never consulted, nor were the producers in this Colony, whether we wanted it altered or not, only on the occasion of a bill which deals with a quarter of an hour which is added on to your life. I still maintain that the principle

[Col. Kirkwood]

adopted by Government, or otherwise it is a Colonial Office ruling, is that they can bring in a bill and get it steam-rollered through Council, and all the hon. members opposite who have been deprived of their political consciences and turned into yes-men, probably against their will, have got to support it. I would like to know whether this bill will expire at the end of the war or whether a time limit will be put into it that it will either expire by a certain date or be re-enacted by resolution in this Council.

MAJOR CAVENDISH-BENTICK: Your Excellency, we shall go on discussing this for a long time unless we get an answer to a perfectly plain question—what is the point of having the bill when a Defence Regulation is already working and the time is changed for period of the war. That is all we want to know. We do not want it at all, but if it is for the period of the war then leave it under Defence Regulations. If we get an answer we may be able to adopt this measure. (Hear, hear.)

MR. BROWN: Your Excellency, one reason for having this bill is that the Alteration of Time Ordinance, 1936, is still on the statute book, and when we had the Defence Regulations it was thought right, although not strictly necessary, that this matter should be dealt with by statute and not merely by Defence Regulations. With regard to the question whether or not it will be permanent, this Government is perfectly prepared to accept any amendment which any hon. member opposite may think it right to move in the committee stage to the effect that this bill will expire on some such date as the expiration of the Emergency Powers Act.

The question was put and carried.

### KING GEORGE THE FIFTH MEMORIAL FUND

#### SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the King George the Fifth Memorial Fund Bill be read a second time.

This is an entirely formal matter which is necessary because, under the trust deed which was drawn up after public funds had been raised for providing a memorial to his late Majesty, it was laid down that the balance of the fund should be invested by the trustees for the purpose of distributing in equal proportions the income derived therefrom between the Boy Scouts Association and the Girl Guides Association of the Colony. Only the income had got to be divided between the associations named. Those in charge of those associations have represented to the trustees, who have recommended it to Government, that it is desirable that a capital sum should be given them for some very desirable object, actually, I think, in order to build headquarters in an appropriate place or to add to existing places. Under the circumstances it is necessary to alter the trust deed by bringing before Council this bill for consideration.

MR. SURREIDGE seconded.

The question was put and carried.

### SCHEDULE OF ADDITIONAL PROVISION

No. 5 OF 1941

MR. TESTER moved that Schedule of Additional Provision No. 5 of 1941 be referred to the Standing Finance Committee.

MR. HARRAGIN seconded.

MR. COOKE: Your Excellency, may we be informed whether this schedule has already been to the Standing Finance Committee or whether we are going through the fantastic pantomime we do go through with respect to other schedules that have been in front of this Council?

MR. SURREIDGE: The schedule has not yet been before the Standing Finance Committee.

The question was put and carried.

### ADJOURNMENT

Council adjourned till 10 a.m. on Friday, 21st August, 1942.

### Friday, 21st August, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Friday, 21st August, 1942, His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of Thursday, 20th August, 1942, were confirmed.

#### \*PAPER LAID—NOTICE OF MOTION

MR. BROWN laid on the table the select committee report on the Native Poll Tax Bill and gave notice of motion to move its adoption at a later date.

#### ORAL ANSWERS TO QUESTIONS

##### No. 28—MAIZE CONTROL PRICES

MR. COOKE:

Since it has been publicly stated by the Controller that the price paid by the Control to the European grower for maize will exceed the selling price, will Government state how it is proposed to make up the deficit that will ensue?

Is it to be covered by paying to the African producer a price considerably less than the selling-price?

If this be so, does not the arrangement amount to subsidizing the African farmer at the expense of the African?

Will Government consider paying to the European farmer a direct subsidy from the revenues of the Colony in place of what many people consider the present tortuous and unjust arrangement?

MR. TESTER: The price to be paid by the Control for a bag of 200 lb. non-native K.2 maize f.o.r. is Sh. 9.

For a bag of 200 lb. maize of lower grades than K.2 lower prices than Sh. 9 will be paid to the non-native producer.

The f.o.r. price of Sh. 9 per bag of non-native K.2 maize includes an allowance of 55 cents per bag for holding, storing, financing, insuring and the risk of depreciation of non-native maize from

the time it is harvested until delivery is required by the Controller. An object of the Control, subject to convenience of distribution of maize from all sources to consumers locally and overseas, is to dispose of native maize with the least possible delay after it is ready for delivery, in the meantime retaining non-native maize in storage on the grower's farm in order to meet local consumption demands when maize from native sources is in short supply; consequently the cost of the holding, etc., of native maize is not expected to cost as much as 55 cents per bag.

Taking into account the 50 cents paid less per bag of native maize on account of its average lower quality and the fact that the charges to the Control for the holding, etc., of a bag of native maize are likely to be less than the 55 cents which is included in the price paid to the non-native farmer there will be a margin of up to Sh. 2.05 between a bag of K.2 non-native maize and a bag of native maize, which on crop estimates and estimates of the destination of the maize when harvested will allow pooled maize to be sold locally at a price less than the Sh. 9 per bag paid to the non-native for K.2 maize.

The local selling price of a bag of pooled maize is Sh. 8.60 f.o.r. except in the case of maize delivered locally to the East African Military Command when the price is Sh. 8.35 till the 31st December, 1942. The contract with the United Kingdom Commercial Corporation for export is based on the f.o.r. K.2 price of Sh. 9.

2. The difference between the price of Sh. 9 per bag of 200 lb. K.2 maize paid to the non-native producer and the selling prices stated in reply to the first part of the question is covered by the lower prices paid to non-native producers for maize of lower quality than grade K.2 and the lower price to native producers for their maize which is of an average lower quality than K.2 together with the difference between the 55 cents allowed in the price to non-natives for holding, etc., and the price actually disbursed by the Control for such services in connexion with native maize.

3. No, sir.

[Mr. Wright]

must realize that this complicated machinery for calculating the value of maize, according to distance from the railway and so on must have an adverse effect upon distant places and, alternatively, in the native reserves it will create an enormous amount of erosion near the railway. I hope the erosion argument will be left out of it now, because the country is going through very grave difficulties, and it may be, it is almost certain, that we shall never grow any foods to excess. Let therefore the State, Government, work it out—I do not pretend to be able to know what is a fair price to pay natives—but resolve on a fair price which will be necessarily somewhat higher than Sh. 4/90 a bag; let them set for internal consumption some maximum price for the best grade with no differentiation whether it is grown in the reserves, on squatter land, or on European farms. Let them tell us frankly where the exportable surplus is going. We were told by the Governor in a recent broadcast that it was wanted for the Middle East. Rumour has it now that it may not go there at all—and I should like an assurance on this—but that it is more likely, to be diverted to South Africa, where it is in short supply. I submit that the South African price for maize should therefore be paid for our exportable surplus of quality maize deemed worthy of export as a subsidy to the local producer of that maize. The finance afforded by the great mining industry of South Africa will make that a light burden for South Africa to bear.

I hope that later on I may have an opportunity of replying to many points that will be raised in this debate. I have purposely left an analysis of figures to better brains in that regard but, as a message to the Controller, and possibly also to Government, I cannot end better than by quoting an apt little passage: "Rejoice not, O Israel, for joy as other people: for thou hast gone ahoring from thy God, thou hast loved a reward from every corn floor".

DR. WILSON: Your Excellency, I beg to second this motion.

In seconding this motion and in speaking to it I find it not too easy to know how to begin, because this system of

maize control is proving so hopeless a failure that it is difficult to decide at which point to attack it first, and it has so many faults that it is impossible to hope to deal with all of them in the course of a single speech. Fortunately, the hon. mover has covered a good deal of the ground very thoroughly in his opening attack, and I must try and consolidate the position, hoping that most of us on this side of Council will take a hand in the mopping up operations!

We all know that the control of maize has been the subject of discussion for many years, and we all know the reasons for suggesting control. They were, and are, that in the event of a bad year we may be faced with famine and it may be necessary to import maize. The other reason is that short of actual famine conditions there may be a scarcity of maize and prices will go too high. Also, there is always in the background the appeal of maize farmers from the less favoured districts for the control of the price so that they may continue to produce at a profit. But whenever it came down to a discussion of the details of control proposals it always proved impossible to reconcile conflicting interests, and nothing ever resulted. It has been left for these unsettled and unbalanced days of war for us to have forced on us suddenly a system of maize control which presents all the worst features of any scheme that was ever conceived. And this has been done in such an autocratic and unconstitutional way that there was no opportunity for any expression of public opinion, and no chance for those who were going to be hurt to make a move in self-defence. As I say, in times of peace the reasons for maize control were never forcible enough to obtain any result. Then there came this war-time demand for extra maize. That tipped the scales in favour of the maize farmer, and he got what he had always asked for, a guaranteed price, a guaranteed higher price for his maize. Government promised a guarantee of Sh. 9 a bag for all non-native K. 2 maize. That, which I will call a false step, was followed almost inevitably by a general scheme of total maize control. There was no real inevitability about it, but Government thought it the easiest way of covering up an initial mistake. There was no essential reason why this

[Dr. Wilson]

extra demand for maize should ever have interfered with the normal internal domestic supply and demand; these emergency requirements could have been kept quite distinct and we need not have had this scheme for the total control of all the maize in Kenya. As contracts were made with the army or elsewhere for special supplies of maize, definite agreements, definite contracts, could have been made with farmers for the supply of maize at the corresponding price. If there was not enough maize in sight under those conditions it would have been justifiable, as a war measure, to pay a higher price to those farmers who could not reasonably be asked to grow maize at the contract price. But there was no justification for a free for all guaranteed fixed price for all farmers, regardless of their costs and conditions of production, and there was no justification whatsoever for proposing to make up that guaranteed price out of the profit made on native maize.

As for the argument that control was necessary in any case, apart from special war requirements, in order to keep a sufficient supply of maize in this country to feed the natives, it seems to me there must be something seriously wrong with our management of this country if natives now are not able to feed themselves. They were doing it when we came here, and what has happened since if, in spite of all the special attention given to the improvement of native agriculture, they are no longer able to produce enough food to feed themselves? If it is said that they used to suffer periodically from famine that is true; but the danger of famine can be averted by transferring the grain from one district to another and by accumulating reserves during the good years. I cannot see the necessity for a large annual over-production by the non-native maize grower. The kind of control that is wanted for the maize business within the Colony is to stabilize the price at a figure which will keep production up to, or a little over, internal requirements, while supplying consumers with maize and maize meal at a reasonable price. That is so obvious that it is the merest platitude to say it, but it has never been tried out. I believe a price could be fixed at which you

would get regular and sufficient native supplies while at the same time more favourably placed non-native farmers would be able to continue producing at a profit. But, unfortunately, the issue has always been confused by the demands of those maize growers whose costs of production are too high.

As a result of the attempt to get all maize for internal consumption and export into one common pool and taking into that pool non-native maize at too high a price, it was necessary to draw from the native side of the pool to make up the loss on the non-native side of the pool. It is quite useless for these maize dictators to try to explain that that is not really what they are doing. The facts cannot be concealed, however clever the explanation, and however confusing the smoke-screen of their fallacious calculations. And I am sorry to say that, after hearing the reply of the hon. Financial Secretary to the question asked this morning I should not in fact be surprised if some hon. members were not more confused after the reply than before. (Hear, hear.) You have only to take the figures. On the one hand the minimum of Sh. 9 per bag is to be paid for non-native maize, a price higher than the price at which maize will be sold, or rather higher than the price at which maize will be sold will cover. On the other hand, a maximum of Sh. 4/90 is to be paid for the same weight of native maize, a price so much lower than the minimum sale price that a large profit to the Control must occur.

Now we get the smoke-screen, all sorts of supposed conditions favourable to one side or other of the pool—"holding charges", "marketing facilities", "inferior quality" and so on. To emphasize the unsatisfactory nature of the so-called explanations, may I remind Your Excellency that there is not one authentic statement by Government to which I can refer when I quote these figures. The little light I have on this murky subject comes from strange sources. There was a statement in the public Press by the Maize Controller; there was a memorandum issued to members of the Standing Finance Committee of this honourable Council—if that was supposed to be so illuminating it might have been sent to

[Dr. Wilson]

all hon. members of the Council. Those are my sources of information, supplemented by personal interview with some of the maize dictators. There was also a public meeting, reported in the Press, of infuriated maize consumers at which it was said that Government was well represented. The representatives of Government reported to be at the meeting were the chairman of the Agricultural Production and Settlement Board, the vice-chairman of that board, and the Maize Controller. So it would seem that Kenya has experienced a bloodless revolution, (laughter), and suffered a change of Government without noticing it. But surely Government might have found some more constitutional, some more authoritative and informative way of explaining its intentions and actions, or is it that the workings of this Maize Control are so questionable that they will not bear any fuller light being shed on them? It has been said that men love darkness rather than light because their deeds are evil!

It is almost incredible that a piece of legislation of this nature, so diastic, so comprehensive, which interfered with the people's food and the people's fortunes to an extent previously unheard of, should have been introduced in this surreptitious way. This debate is the first chance of a free discussion, and I hope it will dissipate the smoke-screen and disclose some of the iniquities of the Control.

I just want to call attention, and the hon. mover has invited me to call attention in particular, to some of the figures in these wonderful calculations. The non-native maize grower is said to be put to various forms of expense peculiar to the non-native grower, amounting to Sh. 2/35 a bag. It is made up of items of expenditure which cannot be exactly computed, or may never be incurred, including transport to the railway and handling charges. So it is a seriously misleading calculation to deduct Sh. 2/35 from Sh. 9 and say that a non-native grower is only receiving Sh. 6/65 a bag. On the other hand, the native is said to have certain advantages in the form of "marketing facilities" which are said to mean that he actually receives 50 cents

more for 200 lb. of maize than the amount of Sh. 4/90. But what if he does not make use of those facilities but delivers his maize in bags to the railway station? Why should he not be credited with transport costs and handling expenses instead of debiting him with these hypothetical marketing facilities? I have been told verbally that if an African were to deliver maize in bags at the station in 10-ton lots (laughter) the Maize Controller in his great kindness and generosity might consider allowing this credit. But why only in 10-ton lots? Then we have another 50 cents which, in imagination will be subtracted from the Sh. 9 paid to the non-native grower or added to the Sh. 4/90 paid to the native grower. It is said to represent the difference in quality between native and non-native maize. But what is the difference in price at which the Control is going to sell that maize? I have never heard that native-grown maize is going to be sold by the Control at anything less than the one fixed price. The fact that the farmer for the privilege of buying maize from his squatters will have to pay the Control Sh. 2/10 suggests to me that native maize is valued as highly as non-native maize.

I do not know how many hon. members have succeeded in finding their way through this smoke-screen of figures, or have said "We hope the calculation is honest and correct" and have let it go at that. For those who have not worked it out for themselves I will show how it goes. We start with the figure of Sh. 4/90 for 200 lb. of maize, which has been called the basic price. It has been called the basic price in a most mischievous and misleading article which appeared in the Press recently. That is what we pay the native. Now for the non-native. First we add 50 cents, because his maize is on the average better than that of the native, although we know perfectly well there is a great deal of native maize which is K. 2. Then we add another 50 cents for the bagging, and Sh. 1/20 for the cost of the bag, although the controlled price of a bag such as is specified by the Maize Controller is in Nakuru 70 to 82 cents only. That brings us only up to Sh. 7/50. So we add another 55 cents because the maize may have to be kept in a shed, and 60 cents for taking it to the railway. This now adds up to

[Dr. Wilson]

Sh. 8/25, which is 68 per cent above the basic price. But we are still 75 cents short of the price guaranteed to the non-native grower, and as we cannot think of any other item we can possibly work in to square the equation, the only thing that can be done is to imagine that the basic price was really 75 cents more than the figure we started with, and we finally solve the problem by promising to pay an extra 75 cents for every bag of native maize, not to the native who grew it and sold it, but to a common fund. So you see that Sh. 4/90 plus 75 cents, 50 cents, 50 cents, Sh. 1/20, 55 cents, and 60 cents equals Sh. 9.—Q.E.D. (Laughter.) It is perfectly simple when you see how it is done. (Laughter.)

I referred to an article in the Press as being mischievous and misleading, and with your permission, Sir, I would like to read three short extracts from that article: "A great deal of capital has been made mischievously in this country and in Britain out of the fact that there appears to be a differentiation between the price guaranteed to the European grower for his maize and that which is paid by the control to the African." "The European farmer is guaranteed Sh. 9 for a bag of K. 2 maize and for all maize of a lesser grade he gets a lower price. The basic figure for the maize is Sh. 4/90 per bag." "What is obviously the real position is that a basic rate is paid for K. 2 maize on delivery, whether it is of European or African origin." I in my politeness called these misstatements misleading. I will leave it to others to call them by their right name. The mischievous part of this article is the suggestion that the African is being incited to resist maize control by having wrong ideas put into his head, if I may read one further sentence from this article: "The operations of so complicated an undertaking, obviously not fully understood even by normally intelligent coffee and sisal planters, are quite beyond the grasp of the African".

Now, Sir, the problem facing thousands of natives at the moment is that yesterday they were being paid Sh. 6 or more for a bag of maize and to-day they are being told that Government will not let them be paid more than Sh. 4/90; yet

when they have to buy maize meal they have to pay 80 per cent or more above the price which they were paying. That is what is entirely "beyond the grasp of the African", and I defy anyone to explain and justify it to him. It is not so much the mental capacity of the African which is in question as the moral integrity of the author, the writer, of this poisonous article.

Now, what about this promised 75 cents for every 200 lb. of native maize to be subscribed by the Control to a native agricultural betterment fund? What particular brand of communism is this that takes 75 cents from an individual of one special class, the maize-growing African, and throws it into a fund that has no defined objects or definite prospects? Possibly this is "trusteeship" in its most modern guise. It has been compared to taking 9d. out of a fellow's pocket and saying "I don't like your dirty face so I'm going to spend this on soap and wash your face, whether you like it or not". Only it is not quite so simple as that because in this case it may not be the fellow whose pocket was picked who gets his face washed—it may be the man next door or in the next parish who gets the scrubbing. If this communist idea is persisted in, why not carry it into effect in a more logical way? Let Government organize co-operative associations among native farmers, and help those associations financially from this fund. Then there might be some fairness in this communal payment.

Another feature of this misbegotten scheme which was referred to by the hon. mover, I will leave to others to deal with if they wish—the maize trader, the position of the trader. He would be allowed by the Control 50 cents for the expenditure of cash and work in buying, handling and delivering 200 lb. of maize to the Control; the Control allows itself from Sh. 1/85 to Sh. 2/60 for exactly the same business. Then we come to the case of the unfortunate consumer—I will not deal with the interests of the European community; as regards that, that can be dealt with by other speakers, but every form of industry and every form of production is being very seriously handicapped; I do not suppose that hon. members opposite realize to what extent



[Dr. Wilson]  
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I referred to an article in the Press as being mischievous and misleading, and with your permission, Sir, I would like to read three short extracts from that article: "A great deal of capital has been made mischievously in this country and in Britain out of the fact that there appears to be a differentiation between the price guaranteed to the European grower for his maize and that which is paid by the control to the African." "The European farmer is guaranteed Sh. 9 for a bag of K. 2 maize and for all maize of a lesser grade he gets a lower price. The basic figure for the maize is Sh. 4/90 per bag." "What is obviously the real position is that a basic rate is paid for K. 2 maize on delivery, whether it is of European or African origin." I in my politeness called these misstatements misleading. I will leave it to others to call them by their right name. The mischievous part of this article is the suggestion that the African is being incited to resist maize control by having wrong ideas put into his head, if I may read one further sentence from this article: "The operations of so complicated an undertaking, obviously not fully understood even by normally intelligent coffee and sisal planters, are quite beyond the grasp of the African".

Now, Sir, the problem facing thousands of natives at the moment is that yesterday they were being paid Sh. 6 or more for a bag of maize and to-day they are being told that Government will not let them be paid more than Sh. 4/90; yet

when they have to buy maize meal they have to pay 80 per cent or more above the price which they were paying. That is what is entirely "beyond the grasp of the African", and I defy anyone to explain and justify it to him. It is not so much the mental capacity of the African which is in question as the moral integrity of the author, the writer, of this poisonous article.

Now, what about this promised 75 cents for every 200 lb. of native maize to be subscribed by the Control to a native agricultural betterment fund? What particular brand of communism is this that takes 75 cents from an individual of one special class, the maize-growing African, and throws it into a fund that has no defined objects or definite prospects? Possibly this is "trusteeship" in its most modern guise. It has been compared to taking 9d. out of a fellow's pocket and saying "I don't like your dirty face so I'm going to spend this on soap and wash your face, whether you like it or not". Only it is not quite so simple as that because in this case it may not be the fellow whose pocket was picked who gets his face washed—it may be the man next door or in the next parish who gets the scrubbing. If this communist idea is persisted in, why not carry it into effect in a more logical way? Let Government organize co-operative associations among native farmers, and help those associations financially from this fund. Then there might be some fairness in this communal payment.

Another feature of this misbegotten scheme which was referred to by the hon. mover, I will leave to others to deal with if they wish—the maize trader, the position of the trader. He would be allowed by the Control 50 cents for the expenditure of cash and work in buying, handling and delivering 200 lb. of maize to the Control; the Control allows itself from Sh. 1/85 to Sh. 2/60 for exactly the same business. Then we come to the case of the unfortunate consumer—I will not deal with the interests of the European community; as regards that, that can be dealt with by other speakers, but every form of industry and every form of production is being very seriously handicapped; I do not suppose that hon. members opposite realize to what extent

[Dr. Wilson]

industry and production is being hampered—I will only deal with the native consumer. It may not be generally realized how many natives have to buy maize and how many native families are influenced by the price of maize. Then there is the large number of Africans whose employers give them a ration of posho as part of their wages. We all know that the cost of living of the African has gone soaring lately and is still going up, and there might be a good case for an increase in wages on that account. But what hope is there of getting an increase in wages when the employer is faced with an increase in the cost of posho of about Sh. 2 per head per month? There is no question at all that the native community, quite apart from the maize grower, is being very hard hit. I only wish that my hon. friends on the cross-benches opposite—our poor dumb friends, I was going to call them, but yesterday one did speak!—I only wish that they could be allowed to open their mouths and tell us something of the regrettable reaction of this Control among the natives.

That is perhaps the worst feature of the whole bad business: the reckless and unnecessary forcing up of the price of the people's food. I know the answer I will get to that remark: that is that if it were not for control the price would be still higher. My answer is "I do not believe it". If it were true then there must have been some gross mismanagement or carelessness to allow the food supplies of the country to get into such a precarious position. There is something even worse about this wicked system and that is its incitement to law-breaking, black-marketing and other forms of dishonesty. The system is open to every form of abuse and already one has heard more than enough of all sorts of illegal practices—if you can call it illegal to break these preposterous Maize Regulations. Your Excellency, I put it to you seriously that it is greatly to be regretted that our natives should be subjected to this temptation and should be finding it so easy and so profitable to evade and defy the law. Let there be some form of control by all means, if that is necessary to keep adequate and regular supplies of maize at a reasonable price, but let it

be reasonable and let it be practicable, and above all let it be fair. It is this particular form of maize control as imposed by the Maize Dictator—this maize monopoly—that is so intolerable and must be abolished. It is the most barefaced and thorough-going attempt at exploitation that the people of Africa have ever known since Joseph cornered all the corn in Egypt (laughter)—one of the more reprehensible incidents of Old Testament history, as hon. members obviously remember (laughter). This proposed maize monopoly is so impossible as to be unworkable. The Maize Controller is not Joseph and you, Sir, are not Pharaoh. Remember what it is proposed to do: that one man should control the sale or barter of every pound of maize—the staple food of the country—in whatever corner of the country it may be grown, and that he should hold all that food in his possession until he agrees to part with it where and how he chooses. There cannot be any single member of this hon. Council who believes that to be possible, even if any one of us were so dishonourable as to wish to attempt to do so, and, Sir, I suggest that Government then will only be making a virtue of necessity by accepting this resolution and abandoning this outrageous attempt at maize control.

I will just add this in conclusion: so long as it is intended to go on with this dangerous game of general control of all sorts of food and every kind of commodity, Government should give more attention to the actual and possible reactions of these innumerable control schemes, and exercise more control over the Controllers who work out their schemes and calculations regardless of the possibly disastrous effect on the Colony's prosperity and production.

Your Excellency, I beg to second.

COL. KIRKWOOD: Your Excellency, I am rising to support the motion before Council. It is a very simple motion: "That this Council is of opinion that the present system of maize control has proved a failure and requests Government to devise some simple and efficacious system of control without delay". In other words we are not asking for the abolition of control. There are reasons I think, substantial reasons, why

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control should exist, but we want it modified to avoid a great deal of friction which now exists, leaving out personalities and dirty linen and all that sort of thing. There is far too much friction and far too much red tape. I have been told, probably incorrectly I hope, that Government will not accept this motion. That is anticipated, but we are not asking for the abolition of control. We are asking for a simplification. It is also agreed that control is a failure, that is in its present formation, but we cannot put everything into a motion, which has to be very simple. I believe it has been an absolute failure from start to finish. I probably have got to shoulder a fair amount of responsibility in getting the fixation of the maize price. I am very pleased that I took that responsibility, but I am not responsible in any shape or form for the control or the people who have been appointed to the Control or the methods adopted by the Control. I put in a question some time ago, No. 14 of 1942, and I should like to read it:—

- (a) Will Government please state the amount of maize sold for export by the Supply Board since June, 1941, (b) the price obtained, (c) condition of delivery, (d) amount delivered to date, (e) deliveries outstanding, (f) and why was the maize crop sold before it was harvested?

The reply is as follows:—

(a) A contract was made between the Supply Board and the United Kingdom Commercial Corporation, Egypt, for the sale of the whole of the 1941/42 exportable surplus of K. 2 and/or K. 3 maize, estimated at 40,000 tons, exclusive of a maximum of 6,000 tons sold by the Kenya Farmers Association to the Southern Rhodesian Government.

(b) The price was Sh. 18/50 per quarter of 480 lb. gross weight free on board, Kilindini.

(c) The scheduled rate of shipment was:—

October	.. ..	2,000 tons
November	.. ..	3,000 "
December	.. ..	4,000 "
January	.. ..	8,000 "
February	.. ..	8,000 "
March	.. ..	8,000 "
April	.. ..	7,000 "

The contract stipulated that the quantities might be reduced at two months' notice in the event of increased military or civil internal demand or other such unforeseen circumstances.

(d) 6,080 tons.

(e) It is expected that a further 300 tons will be exported. It was not possible to fulfil the contract for the following reasons:—

- (1) Very heavy rains fell in Kenya during the last three months of 1941, causing a substantial reduction in yield.
- (2) Local Military demands have increased considerably, due largely to the influx of prisoners of war.
- (3) It has proved necessary to reserve a considerable quantity of maize for use in Zanzibar, which has recently been deprived of its normal rice supplies.
- (4) The heavy rains last year seriously affected the local wheat crop, necessitating the use of large quantities of maize for the purpose of the adulteration of wheat and flour.

(f) Negotiations for this sale were commenced in June, 1941, at a time when both Government and the Kenya Farmers Association were disturbed at the prospects of disposing of the surplus maize in view of shipping difficulties and the lack of overseas demand. It was feared that if advantage was not taken of the enquiry from Egypt, there might be no other outlet.

As regards the failure of this Maize Control, that document is a most damning one. It is obvious that the Maize Control over-estimated the crop and it is quite obvious that they over-sold. They were not even able to fulfil their contract to the Middle East they were some 34,000 tons short of delivery—that was last April—call it 365 or 370,000 bags of maize. That was a terrific amount of miscalculation. As regards the price, there was mismanagement again there—Sh. 18/50 a quarter, which gave, I think I am right in saying, to the producer, Sh. 5/88 a bag; otherwise that crop was sold under the cost of production.

**HIS EXCELLENCY:** I do not want to interrupt the hon. member, but it may shorten his remarks if I point out that maize control was not introduced at the time the contract was entered into so far as I am aware.

**COL. KIRKWOOD:** I am trying to put down the heads of some Government members that maize control is a failure and to give my reasons for it. It is a failure from the figures I have mentioned. Sh. 5/88 a bag or Sh. 18/50 a quarter. Any commercial man could have sold that crop at Sh. 23 to Sh. 25, and the Maize Control sold it at Sh. 18/50 which proves they are not fit to handle it. That document, that answer, is the most damning document in condemnation of Maize Control.

To come to present conditions, in a land like Kenya where there are even now quantities of maize in the country. It is due to the Control that there is a shortage not by oversight but by mismanagement. I tried a week ago through the K.F.A. in Kitale, the general manager, to get something done, and the position is this, that there is a quantity of maize still in the Colony. That maize is held by the growers for their own farm requirements to feed their labour with *posho*, stock, dairy herds, pigs, and poultry, and I suggest that we should try and make some arrangement whereby the maize that is held by a grower for his requirements for the balance of the year or until such time as the new crop comes in, is allowed to come on the market—it is not a question of them selling it, but letting the K.F.A. handle it to fulfil supplies, and giving a guarantee that the maize will be returned through the K.F.A. to the gentlemen good enough to get them over the difficulty by letting their maize circulate on the market. I do not know officially what has been done. I was in conversation with the Controller in the last 48 hours, and he said he had given an assurance that the maize released would be returned by the Control. But I would say again that, although they may do that, control is still a failure. That maize has got to be sent in to the depots, *posho* has got to be ground, and that means it has got to be returned.

There is going to be a very heavy overhead cost in accumulating transport expenses, but no doubt something will be done on those lines.

But I am not only critical, for as I have mentioned before I have tried to help, knowing the situation before I came down here, and I have tried to get relief by the suggestion I have just told you about. There are other points, such as permits, for instance. Speaking from personal experience, I have bought most of my maize requirement for *posho* from native-grown maize. It has been bought very often off Europeans who buy off the natives on their estates. I have been given a permit to buy, say, 20 bags a month, but in my district there is no native maize available—I have been issued a permit, that will be the answer. When I left my own farm and district many days back I had less than a bag and a half of crushed maize for a large number of poultry, pigs, and dairy herd of high-grade cattle, and I have not the slightest doubt that while I am speaking here my poultry have no crushed maize, my pigs have no crushed maize, and my dairy herd have no crushed maize. They cannot have, and I am not in a position to buy. People who know the position and the variations and the anomalies and details of the control and how they work should be consulted, but they are not consulted by Government, and it is no use anybody going to the Controller and telling him anything. He considers he has forgotten more than we are likely to learn, notwithstanding that I started him off in life as chairman of the Plateau Maize Growers' Association. God forgive me for doing it! (Laughter.) That was a bribe for him and his friends to join the Association. That is where he started, and he does not know the first thing about it!

You have heard the hon. Member for Native Interests speaking, and I must congratulate him on the speech he made to-day. It was a constructive one. I told him outside that it was the first one I had heard him make, but that was a joke. It was a very good speech, and it has shown every hon. member so many anomalies that he can take credit if they can be removed. I do hope Government will accept the motion. It is asking for

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a modified form of control; and as there are so many ways in which it can be modified surely Government will not do what they have done in the last 48 hours and use the steam roller to beat, to crush it, and to make the representation on this side of Council look ridiculous as it did after the whole of the 17 members present on this side had voted against a measure which was rushed through its three stages. That is not the end of that yet. I do not wish to take up the time of Council unnecessarily long, but this is a most important matter. I have shown you in some detail that the Control is an absolute failure, but it is up to a critic, I think, when he believes a thing is a failure to suggest a remedy. I suggest a remedy which should be on the lines of the food control that was appointed in 1929. I have here some very ancient-looking documents, and if they are of any use to the hon. Director of Agriculture or anyone else interested in the Control they are welcome to them. They may have some probably not so old, but here they are. This is taken from *The East African Standard* of 6th March, 1929: "The maximum price for maize and maize meal was fixed by the Maize Control Board". It deals with transport costs, schedules the maximum price to growers and to millers and what may be paid to the seller and all that sort of thing which I will not weary Council with. There are the details. That was a much simpler form of control: it fixed the maximum price at which maize and meal could be sold and it functioned quite well. The regulations were brought in due to a famine in the N.F.D., and I suggest that something on these lines should be brought into force now.

On this question of permits, I have a permit to buy an article that is a glut in the land and in plenty. In a matter of two or three weeks what is a shortage, or an apparent shortage, will be over, but from what I have told you that shortage can be relieved by the method I have suggested. Why carry on this damnable system of permit for maize in Kenya when in three months, a month, or a fortnight's time there will be an abundance of maize, and it will keep on coming in. In my own district the crop will not

be harvested until the end of the year and is not ready for bulking in the market until next February, but there are other parts where maize is grown earlier, like around the Lake and Keru where it is hotter and a lower altitude, and that will be coming in almost immediately. Why have permits? Why tell anyone to go to the K.F.A., Kitale, or somebody else to buy? Kenya must have the maize and *posho* that she requires, but this Control is working badly. Take bran, whether it is the bran by-product from gristing maize or wheat. It is unprocurable. To give an instance. It has been decided arbitrarily that bran requirements will be calculated on a basis of 50 per cent of what a consumer had from last February to the previous February. That is a very arbitrary way of getting at the supply for this or next year, and I hope it will not continue long. The same thing applies to pollard. The consequence is that anybody since last February purchasing a flock or starting in any agricultural industry and requiring bran or pollard, if he has not purchased any previously is entitled to exactly 50 per cent of his previous requirements—nothing! And we are supposed to be encouraging settlement in this country, encouraging people to take up farming, yet you discourage them and prohibit them from buying bran or pollard under the permit system.

I think I have said enough to show that the Maize Control is not working satisfactorily, and I do hope that Your Excellency is not going to use the steam roller on this motion, for the gentlemen on the other side are not interested in this affair at all. This is purely the concern, one can say, 99 per cent unofficial. The producers on the other side of Council are practically nil, and if a majority vote is going to be obtained by means of the steam roller I am afraid there will be contact later on with many gentlemen on this side of Council and something unpleasant may happen. I recommend the motion to Government for consideration.

**MR. BLUNT:** Your Excellency, this motion does not suggest that we can do without Maize Control and I am very glad that it does not. It does say, however, that the Maize Control as at present

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 constituted is imperfect: I am not prepared to go to the length of some of the hon. members on the other side in that, but I am prepared to agree that it is by no means perfect. Had it been perfect I should have considered it a miracle. It is probably one of the most difficult organizations and arrangements that we have tried to make for a very long time and it would have been, I think you will agree, miraculous if it had satisfied both the producers and the consumers and the buyers overseas, and the Army, and the country in general. It would have been almost impossible, I suggest. May I go back a few years to the time when Maize Control was first mooted. The reasons why maize control has been advocated in this country for the past few years have been in order to provide what was considered a satisfactory price to the producer, and the European producer at that time was up against the fact that the export parity on maize was very low—considerably lower than the local price. He considered that he was not getting a reasonable price for his maize, and there I will agree with him, and he advocated control in order to raise the price to himself. This Control has been brought in under entirely different conditions. When this Control came in the value of maize for export was considerably higher then, and was rapidly going higher than it was on the local market, and at this moment we can sell every bag of maize we produce at a price of not less than Sh. 10 a bag free on rail, and there are countries to the south of us who would be only too glad to get it at that price. Without control I do suggest, in spite of what my hon. friend, Dr. Wilson, has said, that we could not possibly anticipate being able to secure our own supplies of maize at a figure of under Sh. 10 a bag under those circumstances.

I think hon. members will agree that if we are to have orderly marketing and handling of maize and if we are to have any knowledge of what maize is coming forward, and are to be able to supply the various demands that are made on this country for maize, we have to have some form of control. We had a case last year where military contracts for export contracts were to be fulfilled and it was impossible to fulfil them because

certain lots of maize were being deliberately held up in the expectation of being able to force the price higher. But I need not labour that point because I think control in some form or other is agreed. When Maize Control was established let us consider what the position was. It was anticipated that of the coming crop non-native growers would produce approximately half a million bags, and that there would be about a million bags, or slightly more, available surplus to the requirements of the natives for their consumption which would go on the market, and for the non-native producer crop a price of Sh. 9 a bag f.o.r. K. 2 maize had been guaranteed. It was also considered that the price of Sh. 4/90, or 70 cents for a *debe* of maize as delivered by a native grower was an adequate price for him to receive.

Now here I am going into the smoke-screen to which my hon. friend referred, and I am going to give certain figures, but I will try and put up as light a screen as possible; in fact my object is to try and explain exactly what happens as I see it. It is clearly no good trying to compare the price of Sh. 4/90 for native-produced maize and the price of Sh. 9 for non-native produced maize and to say there is a straight difference of between Sh. 4/90 and Sh. 9. The non-native price includes the cost of producing that maize and the profit. Sh. 1/20 is reckoned for the bag and an allowance of 55 cents is made for storage, which includes both the buildings for the storage and the loss which takes place on account of the storage and interest on money locked up in that maize being held for the Control. It also includes a figure of 60 cents for average transport. Totalling these figures, they come to Sh. 2/35, and deducting them from Sh. 9 I think it is fair to say that the European grower gets Sh. 6/65 for 200 lb. K. 2 maize at his railhead, delivered when he is asked to deliver it. (Dr. Wilson: Question.) In the case of native maize the position is that Sh. 4/90 is paid for 200 lb. of maize as the native delivers it normally in his market, provided that it is within 15 miles of railhead. Somebody has got to handle that maize, to collect it in the small quantities in which it is brought, to bag it and deliver it on rail, and for the trader who does that an allowance is made of 50

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 cents. 50 cents is also calculated as the allowance for the difference in grade, and I will come to this question of grade and deal with it more fully shortly. These two figures added to the Sh. 4/90, give you a figure of Sh. 5/90, which differs from the European figure for the same quantity of maize in the same position by 75 cents. Now 75 cents is to be paid to the native, but not in cash. Now when the question of the price of maize to the native was being considered and when Sh. 4/90 was chosen as that price it was thought that the figure of Sh. 4/90 throughout the year, being higher than the average over a period of years, would increase production. We believe that it has increased production.

But we do not want, and I suggest we cannot afford, to let the native run away altogether on maize growing. In spite of what the hon. mover has said about soil erosion I do consider that it is a serious menace that we have got to fight. We are proposing to spend considerable sums of money in restoring the native reserves; can we justify, even under war-time conditions, deliberately taking the opposite course at this moment and doing what may encourage erosion, provided that we can get the necessary quantity of maize from the native reserves without doing so? I believe that we can get these quantities and I believe that we shall get the surplus million bags without doing serious harm in the reserves. And while I am on this point, may I point out that maize is by no means the only commodity that we are expecting the natives in the reserves to produce. The civil population and the Army depend almost entirely for their potatoes and for their vegetables on native production. The natives are also producing ground-nuts, simsim, beans and other commodities which are required, and were we to encourage maize to too great an extent there is no doubt that production of these other commodities would fall. And I would remind the Council that the native as a producer is not now in the same position that he was a few years ago. Much greater numbers are out at work or in the Army, or have been conscripted for work on farms, and I believe that the possibilities of native production in the reserves are being very

considerably reduced, and the time may come, or is nearly here, when we cannot expect much more to come out. I have tried to prove with these figures that for an equal quantity of maize of an equal quality and delivered under equal conditions the native and the non-native get the same figure, and my hon. friend Dr. Wilson asked what would be the position if a native were to comply with all the requirements that the European does and deliver K. 2 maize. The position would be this: that if a native were prepared to deliver a ten-ton lot of K. 2 maize in a truck when he was asked to do so by the Control, the Control would pay him Sh. 9, of which Sh. 8/25 would go into his pocket and the other 75 cents into the fund.

A point which has not been raised during the debate so far, but which has been raised at various meetings in the country, is that it is unreasonable to take 75 cents on maize which is produced by squatters and to pay that into a general fund, and, Sir, I have your authority for saying that Government is quite prepared to alter that and to agree that the 75 cents collected on squatter maize shall be returned in some form or other to the land which produced the maize. Now, I have tried to establish the fact that K. 2 maize in ten-ton lots, delivered in a truck on the orders of the Control costs the Control Sh. 9 whether it comes from the European or the native, and yet the Control is offering maize to the public at Sh. 8/60. Now the reasons which enable that to be done are, I suggest, as follows. Firstly we have made a certain number of sales—or are likely to make a certain number of sales, for the coming crop overseas at an equivalent of Sh. 9 a bag f.o.r. These sales will not be large. Secondly the average grade of native maize is below K. 2 and has a lower value. Thirdly the native if not given the 55 cents that the non-native is given to cover storage costs. The native does not hold his maize; in fact, he sells it as soon as it is ripe, and it has been suggested that this 55 cents which the non-native is credited with is something put in to help the sum to add up and equal out. My own view of that 55 cents is that it is a very bare payment for the services rendered. We know that to hold maize in store for any considerable

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period involves considerable losses. Good maize, which is probably K. 2 when it goes into store, may come out K. 3, or worse; weevils get some, rats get some and thieves get some, and I do not consider that 55 cents is by any means a large figure for those costs.

Then the cost of control has been said to be high. It has been suggested that Sh. 1/85, I think that was the figure, goes to the Control. Actually the cost in the estimates of the Control is 25 cents a bag. Now, clearly it would be difficult for the Control before it had functioned to estimate exactly what it was going to cost, but that figure of 25 cents is less than the cost of control has ever been in Southern Rhodesia or in Northern Rhodesia where maize control is in force, and I think it will have to be admitted that if the Control can keep to that figure of 25 cents, or even reduce on it, that the cost is certainly not expensive. And the last thing which goes to enable this maize to be sold at a lower price is the fact that any savings which may be made in the operation of the Control there may be some small savings here and there—will be returned to the consumer in the reduced price at which it is estimated that maize can be sold.

Reference has been made to the grades of maize. The position is, I think, this: the European delivers his maize in a fairly large quantity. He fills a truck or trucks with his maize and they can be consigned to wherever they are required and they can be tested and graded as K. 2, K. 3, or whatever they may be. He is not paid cash long before he puts his maize into the truck; he is paid out after the grading of his maize is determined. In that way he may be given a proper price for the particular grade of maize that he puts on rail. I have already said that if the native producing K. 2 maize were to be able to do the same and were able to consign a ten-ton truck of K. 2 maize that could be inspected and could be shown to be K. 2 he would get the full K. 2 maize price. But unfortunately, under conditions of native maize delivery, that is not possible. Although there are some fairly large native producers, notably in the Kilosh area, the bulk of

native-produced maize is delivered in small quantities of less than a truck. It is quite impossible to grade all that maize, and as it is delivered to keep apart K. 2, K. 3 and K. 8 and so on. Under those conditions that maize has to be mixed and therefore the average maize grade of native-produced maize as it comes on the market is lower than K. 2, although I agree that a large quantity of native maize is of high quality and is certainly K. 2.

Let me refer to another point that has been raised; the question of the Government and Railway contracts. It has been agreed now by Government that Government and the Railway will pay the same price as other consumers for their maize. It was argued originally, and with some justification, that since Government and the Railway bought maize in large quantities they should be entitled to get it slightly cheaper than the ordinary consumer who buys it in smaller quantities. That is normal trade custom. After all, if you ship maize on the railway you expect to pay a lower rate for shipping in large lots than in small ones. However, it is considered that under existing conditions, where the laws of supply and demand have not got free play and where maize is under control that it is more reasonable that these large contractors should pay the same price as the small contractors. As regards the Army contract, it has been agreed that the Army should be further approached to see if they will come into line.

The vexed question of squatter maize is the next point I want to deal with, and particularly the payment which is required to the Control of Sh. 2/10 per bag on maize that is bought by the farmer from his squatters. I believe that whether that should be paid or not is debatable, but we cannot get away from the fact that if you allow a certain quantity of the total maize of the Colony to be sold direct by the squatter to his master, and thereby exclude that quantity from the pool, the pool will not work out as it has been estimated to work out, and that if that concession were to be given to the producers of squatter maize, the price of maize to other consumers would have to be raised—not to a large extent—but would have to be raised in

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order to make that loss good, and I may say that the quantity of squatter maize concerned is a very considerable one. The Control returns show that 180,000-odd bags are going to be purchased by squatters and purchased from them for local use.

It has been suggested that this Maize Control might be dealt with by merely fixing prices, by fixing a price for the producer and another for the consumer and leave it open to the ordinary play of trade. I do not see how that is going to work. What price is going to be fixed? If you are going to have one price it clearly cannot be less than Sh. 9 to be paid the producer, because the non-native producer has been guaranteed that price. If one price is fixed at which maize can be bought, it cannot be sold at less than Sh. 9 plus the cost of handling it in the market, whatever that is, and the price will therefore be higher to the consumer. You might say we should have two prices, one for one producer and one for another, but it has already been argued on the other side that that is unreasonable, and if that were to be introduced I can see endless opportunities for buying maize at a lower rate and selling it at the higher rate, and large sums of money going into the pockets of those who only contribute in a very small degree to the maize trade. It does not seem to me that that suggestion would work. Furthermore, who is going to buy the more expensive maize if they can get cheaper maize?

Now I want to go to a different aspect of this control. It has been suggested that maize control is a failure because there is no maize to be had at the moment and that the Maize Control is responsible for the difficult position we are now in. I cannot agree with that. The factors, as far as I can see them, which have led to the present position are these. First of all, if one is going to export maize in this country the maize should be exported at the time when the bulk of the crop is coming in and when the condition of it is good; that is to say, approximately during January, February and March. If you are going to export maize in January, February and March you have got to make some arrangements to do so

well in advance. You have to contract to sell it, which means that in any year if you are going to export maize somebody or other has to estimate what is going to be the crop from, say, October or September until the following August, what are going to be the requirements out of that crop and what is the surplus available for export. And each year an attempt is made to determine what the position is and the quantity likely to be available for export. It is true that contracts made generally contain a clause that if it appears later that we have not the surplus estimated we need no export.

The hon. Member for Trans Nzola suggested that it was the Maize Controller who was responsible for over-exporting in the early months of the year. You, Sir, pointed out that the Maize Control was not in existence then. But it is true that certain people had to make up their minds as to what the exportable surplus was and deal with it. I think a small quantity of maize was in fact exported, and it was believed at that time sufficient stocks would remain in the country to carry us through until the harvest we are now expecting but, subsequent to that estimate being made Zanzibar came in with its requirements as its supplies of rice from the East were cut off. Then we had to find maize to put into our national loaf, and other army requirements increased. There was no way last September or October of finding out exactly what those requirements would be, and they increased subsequently to the detriment of the export trade. There is one reason to my mind, for the shortage, but, even so, if it were not for the second reason I do not think we should have had any difficulty in seeing our way through. But, owing to the season that we have had, the early maize crop has come in a full three weeks later, possibly more than it was expected. By this time every year there should be a reasonable flow of maize coming on to the market, whereas up to the present very little has come on the market.

Another factor which has, I believe, had considerable effect is the potato shortage in the Central Province. The Central Province, as is well known, is a large producer of European potatoes. It has been badly hit this season by late

[Mr. Blunt]

blight which, according to our estimates, will reduce the total crop to something like 25 per cent of normal. The native in that province who normally consumes fairly large quantities of potatoes sees now that he is not going to have those potatoes and will have to eat more maize than he normally would and is naturally holding his maize for his own future consumption.

It has been suggested that to a large extent the shortage is due to the actual effect of control and that natives have maize which they will not sell. There are possibly good grounds for suspecting that that might be the case, because prior to the introduction of control the price of maize in the reserves was rapidly rising in anticipation of a shortage, and as much as Sh. 6/75 was being paid in various parts of Nyanza for maize just before control came in. It might have been reasonable to expect when the price to the native dropped to Sh. 4/90 that the native would hold back any further sales in the hope that something might happen and he might get his higher price. We have investigated this question as fully as we could departmentally. I had all my officers in the reserves going about to try and determine whether in fact maize was being held up for a rise in price, but they did not disclose that there was any appreciable quantity of maize being held up that way, and I believe that if any was withheld it was a very small quantity. In fact I believe the only hold-up of maize that has taken place has been that referred to by the hon. Member for Trans Nzoia, as being held up in his area.

COL. KIRKWOOD: On a point of correction, I did not refer to that.

MR. BLUNT: I believe this shortage will very soon be remedied. I was informed by the Maize Controller yesterday that maize was coming in daily in increasing quantities, and I believe that within a short time the difficult conditions obtaining at the moment will cease. But I would like to remind the Council that there are at the moment on the market certain alternatives which can be used instead of maize, namely *mtama* and millet, and that they are excellent foods for both stock and humans.

I think I have dealt with a number of the points that have already been raised. There was one which was referred to by the hon. member, in which he stated that the price for maize being paid in Chemagel under the Control was so low that it was unlikely that any maize would come out from that district. I am afraid that I cannot say what the position at Chemagel exactly is, and I take it he is correct, but I did see the figures of the prices that have been paid since last March weekly at Litein, which is, not far away. In comparing these with the figures now being paid under the Control at Litein the Control figure is higher than has been paid, so far as I have investigated the figures, which was back to March last.

In conclusion, the hon. member Dr. Wilson suggested that the Control had had the effect of recklessly forcing up the price. The position, as I have already said, is we could export any maize we have to export at a price equivalent to at least Sh. 10 a bag f.o.r. The price to the grower in South Africa is, I believe, in the neighbourhood of Sh. 13 to Sh. 14, and the consumer must pay considerably higher than that. We get ours free on rail at Sh. 8/60. There is a scarcity at the moment, and I believe if it were not for the Control the consumer in this country would be in the direst straits at the moment. He would be short of maize as he is at present, and would be paying not less than Sh. 20 a bag to get what he could.

MR. FAZAN: Your Excellency, in rising to support the case for maize control, I would like to say in the first place how much I enjoyed the slashing attack made by the hon. Dr. Wilson. When one hears an attack of that sort from someone on the other side of the Council it makes one realize the strength of one's own case. Like him, I consider anything in the way of a smoke-screen, if it exists, should be got out of the way and we should look at the facts as they are. Whether the impressive sets of figures on both sides add up to the same total or not—that is to say whether it is a fact that the price of European maize at the time it has arrived at the railway, and the price of native maize at the time it has been put into a bag and arrived at

[Mr. Fazan]

the railway, whether all the figures add up to the same total, so that the native gets the same as the European or not, I frankly admit I do not know. What seems to me to matter more is whether the native has got a fair price; whether he has got exactly the same price as the European is rather another matter. If one takes one's mind back to that time when the European was guaranteed a price of Sh. 9—at a time when, I believe, the crop had not yet been sold to the Middle East—it was not certain whether the Middle East would pay Sh. 9 and it was therefore not certain that, if you promised the native that he would get Sh. 9 for his bag that that bag would ever be sold. It would not be fair to encourage him to plant an enormous amount of maize without knowing it would be sold. What we wanted to do was to be quite certain we could tell him something which was true.

It was quite true that the native maize was wanted. It was quite true that the best price which he was getting—I am talking of my own province—in any one market in the Nyanza Province was at Yala where he was getting 60 cents a *debe*. I asked leave to tell them that they would get 70 cents a *debe*, which would be a better price than they had formerly received. As it was not certain at what price the maize would be sold I was not permitted to say that for obvious reasons; it might have meant that people would start planting all over the reserves in remote spots far from the railway. The best we could do was to tell the natives in numerous *barazar* at every location where we wanted them to plant maize "We want you to plant maize in this area and we can tell you that we are doing our best to get you a better price than you were getting last year", and the best price last year was 60 cents a *debe*. That was as far as we could go, and that has been completely honoured and they have got their 70 cents at every market within 15 miles of the railway; after that there is a fairly easy taper and it pays them well to grow maize at any place within 30 miles of the railway. It only pays them to grow beyond that point if there is a local centre of supply,

and that is all to the good because of the very great difficulties of lorry transport.

\* I think that we must agree that this is really fairer in some ways than if we had been meticulous at that time to guarantee them the same price as to the European. In the first place it was not possible to guarantee that it would be sold, and in the second place it would have upset very greatly the balance of agriculture. In every location which we visited—and I think we visited them all—we told that location precisely what crops it was expected to grow; the crops were not the same in all locations. If the price of maize had soared and we had offered them double what they were normally getting, then other crops would have been neglected; we should not have been in a position to make forward contracts and would not have known what amount to estimate. As it is, we have luckily a senior agricultural officer who is a very skilled estimator and he estimated, with a very narrow margin of error, what in fact we are in a position to supply. The native is making a very good profit. If he had had a very much higher profit it would not only have affected the balance of agriculture in the reserves; it would have affected very greatly the flow of labour to places outside the reserves; it might have meant that the Sh. 9 guaranteed to the European outside the reserve would not have been quite so attractive as it had been before because the labourer would not have been quite so keen to go there. All these things come into the calculation. What we have been keen to do is to be fair.

With regard to this question of the different price to the European and the native, supposing it is different (I am not prepared to say one way or the other; that is where I get into the smoke-screen and do not know). Supposing the native reserves and the European highlands had been two different islands, separated by a stretch of water, and you wanted to buy all the maize that each could grow, you would go to each and ask "What does it cost you to grow the stuff?" and fix the price for each on that basis and say to each "That is your price and that is yours". Nobody would have

[Mr. Fazan] said it was unfair if those two prices were not equal. As it is, of course, they are not islands but are interlocked. The equity of the situation is not affected by that but the practicability is. The trouble is propinquity, and there are difficult borderland cases such as squatter maize, and that might mean that another year we may have to think again or think with modification, but that does not mean to say what has been done this year is either inequitable or unwise.

MRS. WATKINS: Your Excellency, when I think of what transpired at a very big meeting, attended by those really concerned, to discuss maize control, I must protest in the first place that something which had not succeeded in getting through in the peace years (because it had been so heavily opposed by the farmers in the form in which it was suggested—a monopoly) should then have been, to use an ordinary farmer's expression, ramped on us by a war emergency, and on that point there is very strong feeling. That was the first thing that Klambu and Ruiru have asked me to say. The consumers, it may be said, have for long been benefitted by un-economic prices. If that is so, it should have been remedied long ago, and I do not think there was any difficulty about it. I think the coffee and sisal planters, the main consumers, would quite willingly have come in on a price level that would have helped to keep the European maize grower on his feet. But this monopoly system has not proved fair to either the coffee planter or the sisal planter, the main consumers, or to the natives themselves.

The hon. member Dr. Wilson has dealt so delightfully and adequately with the points about the natives that I would only like to raise two more here. One of these is that you control maize; you do not control *posho*. Maize gets short, people do not want to upset their labour in these difficult times and will go to any price to obtain their *posho*. Maize has been scarce for only a short time, but in six days the price of *posho* soared in this town from Sh. 11/15 to 11/25, 11/40, 12/60, up to Sh. 13/60, which I paid at the K.F.A., I think it was,

yesterday. That is the price to me. My natives when I told them that said "Oh, memsahib, that is all right for you; what about us. We have grown some of that maize in the Kikuyu Reserve; we sold it at Sh. 4/90 and are now buying two *libabas* at 18 cents for the *libaba*, which is Sh. 18 a bag". Sh. 18 a bag for maize you have grown at Sh. 4/90! That is a result of the Maize Control thinking it was not necessary to control *posho*. I maintain that it is more necessary to control *posho* on account of what the middlemen may do than it is to control maize on account of the producer or anybody else. It has a great deal to do with the native. It is true, of course, that Government can say they prevented prices soaring by preventing the export of maize. That is true, but if they had allowed export they would have been very like the Kikuyu in the last famine who sold their milk while their children starved. That may be done by savage races, but surely it should not be considered in any way by this Government who have to prepare protective measures for us. I think it is only the ordinary common duty of Government to prevent export when that may result. I do not consider that it was anything to boast of, but the ordinary duty of Government. One great difficulty about the price of maize control at present is this. It is control *s.o.r.* grower's station. When I am buying maize here, I am told "Yes; it has got to cost a great deal more; we are getting it from Kisumu". But when I compared notes with a friend who bought maize in Kisumu, she pays a great deal more because they say there: "You have got to pay a great deal more because it has just been imported from the Kikuyu Reserve". Either way can put on Sh. 2 regardless of the fact that maize is controlled. That again I think is a fact that should be taken into consideration by the Control.

When the Director of Agriculture stated that he was trying to get through the smoke-screen of figures, I would draw his attention to one fact where the smoke-screen as put up by the Control is definitely misleading, and that is on the question of sacks, already raised by the hon. member, Dr. Wilson. He quoted a sack at Sh. 1/20, knowing perfectly

[Mr. Fazan] well the Agricultural Department has issued an order that we are not to use new sacks—and Sh. 1/20 is the price of a new sack. 70 cents is admittedly the price of a second-hand sack; 40 cents the price of a sack that you generally put maize into if you are a native; so when you allow Sh. 1/20 for a sack, 40 cents is the real price that should be allowed. Those we think are not straight figures. That is what we do not quite like, and when you prove that figures which you do know about are not correct it does not add to your confidence when there are other vague figures which you are not allowed to know about or which you cannot compute. I enjoyed very much listening to a previous speaker when he stated there might be difficulty of getting at across to the natives when the poor coffee planters could not understand it at all. I do understand the Controller feels like that about us because he has found it so easy to put it across us. (Laughter.) I sympathize with him there, but I do not think he realizes at all the strength of the feeling that lies behind it; the strength of the feeling of we people who sympathize with the native; the strength of the feeling we all have that we are being "done down".

I have had to do something that was not very fair on my neighbours; I have had to start central seeding because Government having allowed my maize contract on which I was comfortably relying to be broken, I then found there was no maize to be bought in the town and, faced with 60 hungry men and no food at all except three bags of *posho*, had to set up a central kitchen with all that that means, had to supply beans, potatoes and so forth. I then went in and explored the town. I was told there were 15 bags of *mtama* at Kisumu, unground, date of arrival unknown. I received wires from my constituents saying "Please arrange. Have no more *posho* for 200 men. What can do?" I came down to the K.F.A. and saw various people in the town. There were four bags of millet, unground, at Njoro; 15 bags of *mtama*, unground, at Kisumu, five bags of granulated *posho* at Sh. 13/50, and all that has got to be distributed between 47 constituents for their hungry labour. The position is

almost impossible and we feel very strongly about it.

I query also that the cost of control is only 25 cents a bag. A man who has been fighting maize control for many years has said to me "Now you wait till the figures of next year and I will bet you a fiver that it is much more than that". Well, it was 6d. to a fiver so I have taken it on, and I do hope I am going to win, but in any case if maize control is abolished it will be of greater benefit to the country, so perhaps we shall have to wash out the bet. But I do not think, seeing the fleet of nice cars running around Ruiru collecting for the Maize Control, that 25 cents is going to cover the expenses. I think that the control has got to be altered. I do not say abolish control, Your Excellency; no one wants it abolished, but we do want a perfectly plain, ruling restricting export and a perfectly plain price fixed, a basic price, and if the country wants more maize than can be produced at that basic price, then any subsidy given ought to come, as is done in England, out of the public purse. That is, I believe, being done in England with commodity after commodity that is wanted. If we cannot produce at that price and it has got to be produced, let the country pay for it. It does not seem to be honest to do it in the way it is done by the Control at present. What we are really doing is making the native pay the Government the guarantee that they have given to the white man and as a farmer I do not want to behave in that kind of way. As a settler I resent it strongly and as a member of Kenya I do not want to get that kind of reputation in England.

Council adjourned at 1 p.m. and resumed at 2.30 p.m.

LORD FRANCIS SCOTT (Rift Valley): Sir, I am in a slight quandary. This motion as it reads I certainly support, because maize control from the 1st July to the 21st August has so far proved a failure. I also advocate a simpler and more efficacious method of working the Control. At the same time, I should like to make it quite clear that I do not subscribe to some of the arguments put up by hon. members on this side of Council

[Lord Francis Scott]

in support of the motion, more especially some of those put up by the hon. and learned doctor who seconded the motion. As usual, he managed to get in his dig against the European maize grower.

We all, I think, know a little of the reason for this control and what brought it about. We were told by the powers that be that they wanted us to export as much maize as possible to the Middle East and therefore it was the duty of Government and everybody concerned with production to see that the maximum amount was produced. That could not be done by native-grown maize alone, it was necessary to encourage the growth of maize by Europeans as well. To do that it was essential to guarantee a reasonable price.

May I just ask hon. members to think back about 20-odd years ago, when there was an Economy Committee sitting in this country which went very thoroughly into the question of the development of this country. Two members of this Council were members of that committee, one of whom is present now, and I think the hon. Member for Ukamba could tell us a good deal about it. But one of the recommendations was the encouragement of the growing of maize by European farmers. There was no question that that proved a great success from the country's point of view, from the Railway's point of view, and for the general economic structure of the Colony. For some years the price was reasonable. I think I am correct in saying, speaking from memory, that Sh. 9 was the price in 1921, and we were told at that time, those of us who went in for maize growing to some considerable extent, that we could always rely on getting Sh. 9, and at the least Sh. 8. But for a period of years the price which the European maize growers have received has been so lamentably below the cost of production that the maize produced in the country by Europeans has dwindled to a negligible quantity and that is, I submit, one of the chief reasons for the shortage of maize to-day. In normal times the K.F.A. have relied on the carry-over of European-grown maize to help over this time of the year between the end of one

crop and the beginning of the next. The native-grown maize comes along as a rule this month, but of course it is wet. It is a fact that Europeans have been so discouraged from growing maize that it has contributed largely to the present shortage.

I have got a few suggestions to make, Sir. One is that Government should pay for the difference in the contract price with the Army and the ruling price. My reason for that is that we have deliberately overtaxed ourselves here for the purpose of having money to help in the war effort, and this seems to me a most legitimate object for which that money could be used. Another thing I should like to suggest is that Government should stand the cost of the Maize Control. My chief reason for that is that if that is done the actual cost of the Control will have to go before the Standing Finance Committee and before this Council, and people will get an opportunity of criticizing and seeing what the cost is and where the money has gone. Those are two suggestions which I think might help in reducing the cost of *posho* to consumers to-day. On the other hand, though consumers are crying out now about the increased cost, I do suggest that they should all realize that for many years they have been subsidized with cheap maize under the cost of production, both by Europeans and natives, and I think it is time that maize was put on a more equitable and reasonable basis. For that reason I do trust that whatever is done some form of control will be retained.

I also believe that if control was taken off to-day the price would soar up far higher than at the present moment, and I would like to support the hon. Member for Kiambu in asking that there should be a control price for *posho*. We are told, apart from the one reason I have given you, the lack of European-grown maize, that another reason for the shortage is that there is maize in the country hoarded away and not produced, and that native growers have been instigated to keep it back in the hopes of getting a higher price. Has the Control no power to force people to disgorge stocks of maize? If not, I do not see the use of the Control. One other point, I think the hon. Member for Kiambu was a little

[Lord Francis Scott]

out in her reckoning about the cost of the sacks. We have got to remember that the European grower gets Sh. 9 for a bag of maize, and he has to produce it f.o.r. in a good sack. That is why the price of the sack comes off that. If the native produce is to be graded for export it must be in a good sack, and not the third-rate type they bring their maize in, which would not be accepted for export. And the basis of this is export.

The only other thing I have to say is that I must congratulate the hon. Director of Agriculture on his very lucid and thorough explanation of the position. I think it is unfortunate that his speech as made this morning was not issued as a Government communiqué some weeks ago, when I think it might have satisfied a good many critics: not all, of course, but a number if they had had the position put before them as plainly as we did this morning.

MR. COOKE: Your Excellency, just before he sat down my hon. friend the Provincial Commissioner for Nyanza gave us a very accurate definition of an island. I should like my hon. friend, if he would, later on to give me an accurate definition of a straight line, because when I was at school a straight line was the shortest distance between two points, but some gentlemen on the opposite side of Council seem to think that it is the longest distance between two points! We had a very simple expedient that we could have adopted with regard to maize. It was quite simple, it seems to me, and I have had no one to explain why it is not simple to fix the price of all maize, native and European at, for the sake of argument, Sh. 6 a bag; then, to have sold that maize to the settlers, or rather they would buy it themselves, at that maximum, and to pay as a direct subsidy from the Colony's funds Sh. 3 extra a bag to the Europeans who are growing maize which is necessarily a war effort. My hon. friend who has just sat down talked about the lucid speech of the hon. Director of Agriculture. Well, Sir, I have never heard a more feeble attempt to explain the position than he made this morning. (Laughter.) He talked about a smoke-screen, his speech was nothing but a

smoke-screen. He talked about miracles, the only miracle I should say would be if he for one moment supposed that what he said would convince any intelligent person on this side of Council!

I am not, unlike my hon. friend Dr. Wilson, going to indulge in higher mathematics. I am a plain realistic Irishman, and to me two and two make four. I find it quite impossible to take two from one and find anything left. And I have no intention of trying to pursue that tortuous crooked path which has been pursued and try to explain away the most egregious arrangement made by the Government of this country. My hon. friend the Provincial Commissioner talked about native crops. No one has a greater respect for him than I have, but if he can tell me how he can calculate the profit of anyone living on a mere subsistence economy as the natives do, I give him best, but even granting that the natives get a profit from 70 cents a *leb*—I think he has overlooked the fact that you must take into consideration the higher cost of living. It is little comfort to make a profit of 10 per cent if the cost of living has gone up 20 or 30 per cent. My friend said it would be a good thing to tell the natives the truth, and I think everybody will agree, but if he thinks we heard the truth, the whole truth, and nothing but the truth from the hon. Financial Secretary this morning or from those statements which appeared in the public Press, well, I am surprised! Tennyson says that the "truth which is half a lie is ever the blackest of lies". I am not accusing my hon. friend—I merely say he obscured an important question in a skillful way. (Laughter.)

To deal in a very short time with my hon. friend who talked about miracles. He said, and very wisely, that it would be a good thing to prevent natives from running away on the question of price or to run away on the question of maize. I suggest to him that they will run away from maize altogether unless they get a decent price, and that is the danger we are faced with now. The hon. gentleman made a very poor case and tried to explain that native maize was below the K.2 standard, the average K.2. Of course, that is a perfectly meaningless



[Mr. Cooke]

phrase, because even if 99 per cent of the native maize was K. 2 standard and 1 per cent less than the K. 2 even then the average would be less than K. 2, so that it really means nothing. My friend talked about a remedy for the shortage of maize and thought it would be remedied very soon, but I hope that does not mean that natives are being instructed to reap wet maize, because if it does my hon. friend is going back on all the valuable work which his department has done during the past few years. If they are to be told now that they can reap this maize, it will be difficult to convince them in future that it is the wrong thing to do to reap wet maize.

There was one important point which I think the hon. Member for Kiambu dealt with, and that was *posho*, and that is one of the most important points to deal with, because I do not think we have considered the possible repercussions raised in the price of *posho*, for here we have hundreds of *askaris*, personal boys, all the elements of discontent if they are asked to pay a higher price for their food at the very time when lots of those people are living on the very limit of subsistence. I think that is one of the chief things which should have weighed with Government when they entered into this very foolish arrangement.

The hon. mover talked about shooting pigs. I hope there will not be any other shooting in this country, but unless we are very careful it is just possible there will be because you cannot, when people are living on a subsistence margin, play about with their main supply of food. There is just one point, not really, I think, relevant, and that is that it does show that Government run into these schemes without thinking about them. Government has another at the moment, the growing of wheat on a large scale. I hope Government have worked out all the possible repercussions of that scheme on the Masai and in every other respect before they launch into a big scheme of this kind. We do not want to be told in six months time that such and such a thing has happened that could not have been foreseen.

With one more point I am finished. I wrote to the public Press the other day and made a quotation, and as there have been one or two quotations from Scripture in this debate I will not quote from the Scriptures but from a poet of about 200 years ago. I think it has a certain moral for the gentlemen on the other side of Council, and I hope they will take notice of this moral: "When people once are in the wrong. Each step they take is much too long; Who walks apace but walks astray. Is only further from his way". I hope that Government, recognizing the feelings of the people in this country, will come to a more sensible and suitable arrangement while there is yet time.

COL. GROGAN: Your Excellency, I have not very much to say on this particular issue, but listening to the debate, I notice that quite a number of cats have slipped out of the bag, and I thought it advisable that I should take two in my hands and put them in my lap, so that what I have to say could go on permanent record in the archives of this assembly. Firstly, the admirable address of the hon. Director of Agriculture. He based the whole of his argument on the quite proper assumption that this is based on a flat price to the producer. The whole of his argument boiled down to the fact that the producer is not getting his price for maize relative to the general price structure of the world to-day. That is one particular cat which slipped out. Another more interesting one slipped out of the bag of the hon. member Mr. Fazan. Rather late in the day he based his argument in support of paying the native substantially less than the current value of maize on the ground that if we paid him any more he would work less. Many of us have argued that, but it is interesting to have that well known economic and lamentable fact laid down on the records of this Council by so eminent a specialist of native affairs as the hon. member.

MR. FAZAN: On a point of personal explanation—I stated that if we paid him more in one direction he would be more prone to work in that than in another in which he was paid less.

COL. GROGAN: I am sorry if I misunderstood him (laughter), because I

[Col. Grogan]

understood that the reason for not paying him more was that he would come out less if he got more for a particular produce. If I did not hear the hon. member say that then there is something seriously wrong with my hearing.

To give you an interesting example of the functioning of the Control in Taveta. It is an interesting example because it is an isolated part of the country where there are only two factors in the whole position apart from the ordinary *dukawallah* in the bazaar—a plantation and a native reserve. There are no disagreements among them, to a very large extent they are self-contained, and are a self-sufficient community in many of these matters. That plantation grows quite a substantial amount of maize for its own consumption and it gets a large amount from the native reserve which has no other market. In order to make it inadvisable for our Indian friends on the spot to buy their maize, and other people's maize incidentally, we have made a practice of paying the natives Sh. 6 for every bag which he likes to bring in, and that does not make it attractive for any other party to participate in that district. Now we find ourselves in the ridiculous position, after paying Sh. 6 a bag for maize as an ordinary practice, of telling the unfortunate people that we are not allowed to pay them any more than Sh. 4/90 a bag. They have naturally come to the conclusion that there is a frightful swindle somewhere. Fortunately, previous experience of the intervention of Government in affairs in Taveta have enabled us to explain without much difficulty that we are not the fraudulent party, but it takes a bit of explanation. These unfortunate natives are now compelled to receive quite unwillingly from us Sh. 1/10 less per bag for maize than they used to get, and we have in practice got to pay Sh. 1/10 more. It seems quite absurd, there must be something radically wrong with a system that gives the producer less and makes the consumer pay more. When we have to tell these people that Sh. 2/10 goes to unknown gentlemen partly to pay their salaries and the balance is supposed to go to some fund which ultimately through some unknown

channel will trickle back to the advantage of the members of the Taveta tribe, their answer is "I don't think" (laughter) because any benefit they have derived from Government so far in the Taveta tribe was the intervention of one of Miss Margery Perham's neophytes who came to collect sums of money, and in doing so amused himself by kicking over their beer bottles on which they laid great stress. They understand our system, and said: "You give us money, but this young gentleman takes it away—what is the great idea?" And we told them it was because he came from *Ulaya* where there were lots of golf-courses and that he had to collect enough fare to be able to go back and play golf during his periods of leave!

I think that is a very good example showing how in parts this Maize Control works out as an obvious absurdity. I am going to make a suggestion that should go a long way to meet the very large number of objections raised very strongly in my constituency and which, as already pointed out, except in places like Taveta, could be made very simple—by allowing anybody to buy any maize anywhere from anybody at any price subject only to it being for their own use and not for re-sale, and if any attempt is made to re-sell it it should be made a penal offence under the Control. I believe in that way we could very simply achieve the purpose you have in view, which is quite legitimate, and would sweep away at once 90 per cent of the real and valid objections to the present system of maize control.

MR. VINCENT: Your Excellency, I rise to take part in the debate because I believe that I can offer a constructive suggestion. In my early days of accountancy I often got a result from a mass of figures and, having successfully got it, did not know what the result represented. I believe that in setting up this Maize Control, which appears to be generally accepted as desirable, that the method of the Control, the basis of the Control, was wrong. Now, I can see no difference in the production of maize as against the production of anything else in this country. I am producing a commodity now, and what happens: I pro-

[Mr. Vincent] duce it; I am asked what my costs are, and I am allowed a reasonable profit. If I had been producing it before the war I should have been asked to give figures to show what my pre-war profit was; and there the picture ends. I believe the Government have made a terrible error in creating this trouble for themselves. For some reason or other a figure was set, and then you tried to "build up" to justify that figure, and then you started a comparison between non-native and native which should never have entered the picture at all, for this reason. If we are a democracy, and if we are not going to prostitute democracy, as we did the other day over the five cents a gallon on petrol, we must deal with everybody on the democratic principle. Any law good for the native is good for us, and I take it that our Administration can with a great amount of satisfaction—and I agree with them—say that they have safeguarded the interests of the natives of this country to a very great extent—to a notable extent—and therefore there should have been no difficulty in arriving at a fair price, taking into consideration the rising cost of living mentioned by the hon. Member for the Coast, and taking every other consideration you like, and, as the Government safeguarding the natives, you should have been able to say "The price for your maize is so and so".

That is one commodity. Then you go to the European—another source of production—and you find out what the position is in exactly the same way. I know it is difficult; there are varying circumstances on varying farms; but you could have got down to a fair price. Then you immediately take the reflection of the price of maize in regard to other products—sisal, coffee and so forth, if sagacity had been used—and evidently it was not to any great extent in this connexion—you would have said "Now, we cannot accept that because once these maize costs go up, then the cost to the other producers will go up". I agree with the hon. Member for Ukamba that anybody should be allowed to buy squatter maize for his own use as before, provided it is not for re-sale. Then what have you: you have your maize (derived

no matter from what source) in the hands of your Controller. I agree that you must have physical control as well as price control (which nevertheless only gives rise to black markets in any case). You cannot help that, but I agree that physical control is necessary, because it is obvious that we must produce and produce on a very large scale for export, but there is no reason why we should have a local war about it.

Now the picture I have drawn so far is that you have paid a fair price for your maize to any community, from any area, and you have a Government-controlled cost. Then Government take this maize and market it to the best possible advantage. They do not say "Well, we are going to add 25 per cent to cover the cost of control"; you run the control as a Government Department, as a war department, as every other control, under the scrutiny of the Standing Finance Committee. Now you build up your price; you pay a fair price for your bags and a fair price for services; then you have your margin to play with; you do not have to explain to the world the absurdity of keeping back 75 cents a bag for some secret service in the interests of the natives; it does not arise! Normally if it were not war time I would only subscribe to the principle that, no matter what the source of supply, anybody of whatever race, creed or colour, is entitled to the value of the products he produces. But having set a war time democratic avenue of handling these matters, we should have started in that way for maize as we have for every other commodity, and gone forward with it on that basis, instead of embarrassing the Government and every other industry, and mystifying further the native population who must get to hear about this. I do believe the whole method has been wrong; the idea is good, but we have been too clever in not using a "rule of thumb" by going on building up a solid controlled price foundation. That is the whole trouble with the present system of control.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I intervene at this stage chiefly because, having just heard the last speaker, I would like to stress that his method is precisely that which was

[Major Cavendish-Bentinck] adopted. In the very early stages, the first thing we did was to try and ascertain at very great trouble what was a fair price for the European. We then, as you know, Sir, spent a very great deal of time trying to ascertain from agricultural officers, provincial commissioners, and those who are in touch with the native what would be a fair price for the native, and we have tried, having started on that basis, to arrive at some satisfactory form of control, a form of rationalization of maize supplies. I think that in the course of the remarks which I am going to make I may be able to demonstrate to my colleague for Nairobi and to others where some of the difficulties have arisen. I would like to take this opportunity of saying that I have no particular interest in this particular form of control, that I have for a large portion of my life in Kenya been a consumer of maize, and a fairly big one at that in view of my interests, so I think that I can claim to be quite unbiased. I would also like to make an appeal to hon. members not to get carried away by telegrams or the general upset that has been occasioned during the last few weeks by the maize crisis, but to remember that this is an extremely difficult and extremely contentious subject which we should have faced eleven years ago but which we never had the guts to face, and that is why we are in this trouble to-day in the middle of a war.

About 100 years ago, and of course on a far bigger scale, the same slogans were heard about forcing up the price of the people's food. At that time that well-known controversy was raised in England over the "Corn Laws", and the repeal of the "Corn Laws", and what took place at that time was a most disastrous turning in England's history. I hope we shall not repeat it here to-day. I do not pretend, nor do any of us, that the system of control that has been introduced is perfect, is anywhere near perfect, nor do I pretend that it has not most frightful shortcomings. I admit that. But at the same time I would like people to appreciate the difficulties of any sort of control, of any sort of rationalization of this particular industry, and to realize that what we are in fact trying to do,

if we dare face it, is trying to reconcile what must be almost irreconcilable. We are trying to reconcile first of all the interests of the European producer, who states that he cannot grow maize at less than Sh. 9 a bag f.o.r. Not only that, in the constituency represented by the hon. member on my left (Col. Kirkwood) they say that they cannot possibly give planting orders for maize for the next planting season at that price. I would in that connexion mention that the price of South African maize f.o.r. to-day is not Sh. 13 as said this morning but Sh. 15; in Rhodesia f.o.r. I am told it is Sh. 12.

That is one interest. The second interest which we have is that of all sorts of consumers who naturally wish to buy their maize as cheaply as they possibly can, and who know quite well that over a series of years they have bought maize in this country at an incredibly cheap price, and that we have put a whole lot of industries possibly on a sound basis and sound foundation at the expense of this particular one. These consumers can be divided into consumer-producer—that is, of stock feed, etc.; those who do not grow maize for themselves, planters and so on, the consumer who does not produce any agricultural products, and the ordinary native consumer in towns who naturally wishes to buy maize as cheaply as possible and whom I quite agree should be given ground maize at a reasonable price. We also have intervening in this contest the advocates of native rights, who rush into the arena and complain bitterly that we have not paid to the native a fair price and that he must get whatever the European gets while at the same time screaming that he wants cheap maize. (A member: No one said that.) I am speaking of the advocates of native rights. We all know they exist and I do not say they are not quite genuine; there is even a good deal to be said for their contention.

We have also intervening in this contest those who wish to protect native lands from erosion and who are what I call land enthusiasts, and they do not want to pay the native too high a price for fear of his over-producing maize to the detriment of his land. We come to a bigger interest, and that is that of the

[Major Cavendish-Bentinck] trader and the middleman; and it may interest Council to know, as we have been told on many occasions that we must not interfere with the course of trade, that there are no less than 1,900 small traders, and we reckon there are all told 2,500 middlemen and traders battering on the maize industry to-day. Naturally these people are averse to any form of rationalization! These people have not made any form of maize control under existing circumstances any easier; I would even go further, and say that some of these people have led even most conscientious people who are opposing this system of control down the garden path! In addition to them, we have in war time a number of people responsible for ensuring military supplies, and I think that that aspect is a little bit lost sight of in the heat of the present controversy. I would ask hon. members to remember that it is our duty in war time to produce as much maize as we can, where it is wanted for war purposes, and that must never be absent from our minds, however much that effort may in some circumstances cause us inconvenience. Lastly, there are those responsible for some reasonably balanced policy of production for that war effort. I refer to the Directors of Agriculture of the three territories and, in a lesser degree, to the board of which I happen to be chairman and to myself, because we must try and see that in proper proportions we do grow sufficient maize plus the many other crops for our own requirements and for our undertakings overseas—wheat, rye, beans, oilseeds, pyrethrum and a hundred and one other things urgently wanted in their due proportion.

There, then, lies our difficulty, that of trying to reconcile those different interests when you try to devise some method of rationalizing and ensuring some physical control of this industry. I do not think the principle of control has been questioned this morning, but it has been said by several speakers that this measure has been rushed upon the country in an unwarranted manner and without any previous consultations. This, of course, is not true, and I consider it such an important subject that at the risk of boring hon. members present I

am going into this statement a little fully. I am going back to 1931 when there was a most exhaustive inquiry into the costs of production of maize by a commission under the chairmanship of the then Chief Secretary. It eventually came to the conclusion that the cost of producing maize and putting it on rail, on land which would produce an eight-bag crop, taking the average transportation distance as twelve miles to the railway, was Sh. 63/36, which represented at that time Sh. 7/72 a bag. In those days, 1931, things were very much cheaper than they are to-day. You remember, Sir, that was about the acme of the slump. The cost to the producer was at that time Sh. 63/36 per acre. Now, in war time, and after two and a half years of war, what hon. members opposite have described as "The Money for Jam Bill" provides the wretched European farmer with a guarantee of only Sh. 35 per acre, not Sh. 63/36. Well, on those figures it was recommended at that time that the difference between the price at which maize was sold and Sh. 6/50 should be made up by Government and that repayment of that loan should be made when maize rose to over Sh. 8 a bag. That was the recommendation of the commission. Government did not accept it. They said Sh. 7/75, and from then on until this war broke out maize never reached that price in this country. I think I am right in saying this—if it did it was for a very short time only. From the time that the commission sat, the formation of a maize pool has been ceaselessly discussed.

Now we come to war time, and in 1939, November, it was unanimously decided by the board of which I have the honour to be chairman—which consisted at that time of producers from all over the country—to advise Government to establish a compulsory maize pool without delay. In January, 1940, increased costs were again very carefully gone into, and without giving full details I can say they worked out at Sh. 1/70 a bag over pre-war costs, that is the early 1940 costs over the 1938 costs, of maize farmers over the whole country; the average increase we reckoned was Sh. 1/70 a bag, plus Sh. 1/63 for marketing costs, which had also increased, that is war risks insurance and increased cost

[Major Cavendish-Bentinck] of transportation owing to war conditions. Looking this up last night, I found that on the 1st January, 1940, I wrote a long letter to the Chief Secretary on the subject of a compulsory maize pool. The whole question was gone into carefully by Mr. Lockhart, then Financial Secretary who had had a peculiar experience on the subject, of the difficulties of maize control and maize rationalization, because he was responsible for the Northern Rhodesia scheme, and incidentally had a great deal to do with the Southern Rhodesia scheme. That letter, which was written, of course, as the result of deliberations with others, drew from Mr. Thornton, the secretary of the Land Bank, the hon. member on my right (Mr. Wright), and from various other members and other persons in this country who are to-day bitterly vitriolic about control, letters of congratulation. I admit that my friend on my right signed himself "Yours Cantankerously, Sandy Wright", but nevertheless he then approved of a scheme, which was not entirely dissimilar to the one now produced.

We had a draft bill prepared in 1939, and in 1940, as the result of yet further consultations, a fresh bill was produced. Again various meetings were held to discuss it, and finally a meeting was held under my chairmanship in this hall at which representatives of the Coffee Board of Kenya, the Sisal Growers Association, the Pyrethrum Board, the Tea Growers Association, the Stock Owners Association, the Timber Co-operative Society, Railways and Harbours, and various other bodies and consumers were present. That meeting went on for two days, but curiously enough again it failed to come to any definite conclusion because of the difficulties I have pointed out, in the reconciliation of the various conflicting interests, but it did make one prophecy which has turned out peculiarly true. The first resolution it passed was: "That this Conference, on the evidence placed before it, has come to the conclusion that in the not distant future supplies of maize available for sale may not suffice to meet local requirements within the East African Customs Union". The Conference went on to say that various forms

of control should be taken, but when it came to any comprehensive effective form of control it was the old story, that some maize should go free because they imagined they would buy maize cheaper if it were free.

That brings us to the time when the Minister of State told us in perfectly clear terms that there was likely to be a shortage of food around us and that we had to produce to the utmost. Up to then we had had a very unfortunate experience—as regards the marketing of maize. It may interest people to know that in 1940, when I was in England on behalf of these Governments, we had the greatest difficulty in trying to dispose of the then existing surplus of maize from this country. Again, only one year ago, in September last, we thought that we were going to have a surplus of maize which would be unsaleable in this country. I personally have never subscribed to that view, but at any rate that was the view taken, and there lay the difficulty of getting maize grown on a large scale during the first two years of the war. Having, however, received these instructions from the Secretary of State, we naturally had to take steps to grow the things in their right proportion for the war effort. That was the occasion when we went so carefully into the question referred to by the hon. Member for Nairobi South as to what in fact would be a fair price for the two different types of producers of maize. At about that time we unfortunately fell short on certain army contracts. I will not enter into that here, the history is well known, but we did not on one but on more than one occasion fail in our undertakings to the army. I would like to say that it is all very well for people to suggest as they have during the debate to-day, that we should wait until the crop is reaped and then dispose of it. You cannot run wars like that, you cannot run military supplies like that. Those who are responsible for feeding the troops, and for coordinating military requirements six months ahead, must be told whether they can get them from here or not, and it is our duty to get the necessary information together and to get the necessary physical control of commodities in our hands so

[Major Cavendish-Bentinck] that we may be in a position to inform those responsible for feeding the troops that we can let them have so much in due course. The reason we are not able to do so now is because there is no physical control of those vital commodities as there must be in war-time. I will prove how bad our information has hitherto been in the course of further remarks on this issue.

I am sorry I am going to bore some of my colleagues, but I cannot agree that anyone is justified in being destructive and saying "This is all wrong and does not work, let us have a new one", unless one can produce some details of how it works and detailed information of the factors on which this type of control or organization will either succeed or fail. The first thing I would like to establish is that there has been consultation *ad nauseam* and, secondly, although it has already been stated by the Director of Agriculture that there is in fact to-day a maize shortage, and that Controller or no Controller we have been short of maize during the past few weeks. We should have foreseen it, I agree, but we did not—slumps and shortages always hit one suddenly and violently if they are not foreseen. I should like to point out that the real reason for the shortage is that the amount of maize which is supposed to be grown is in fact not grown, because the amount supposed to have been exported was in fact not exported. Going back to 1928, European production alone was 1,099,000 bags of maize and the export from this country was 1,309,000 bags of maize, so that more than the European crop was exported, by about 300,000 bags, or just under, of native maize. In 1930 the European production reached its peak, 1,850,000 bags of maize; the export that year was 1,100,000. In 1931 European production was 1,600,000, and in 1932 700,000, in 1933 a million again, in 1934 700,000, and in 1935 a million bags; in 1938 900,000 bags, in 1939 700,000; in 1940 500,000, and last year the total European crop was only 343,000 bags of maize, and only a total of 140,000 bags was exported from this country, so that last year all we did in fact, although we agreed to export a great deal more, was

to export 140,000 bags of maize against 1,300,000 in 1928.

We heard about the glut in a land of plenty this morning. We may be told that although Europeans produced so little that of course the natives produced far more and if needed can produce far more than they do at the present time. Well, what we have always reckoned on so far is that we might get a maximum of a million bags if there is a good season in the native reserves over and above their own food requirements and about 400,000 to 500,000 if we are lucky from the European areas. That 400,000 to 500,000 would include in my opinion squatter maize surplus to farm requirements added on to what a farmer grows himself. We have always reckoned that out internal requirements in this country amount to about 800,000 bags, including the Railway, Government departments, and big business and so on. This year it looks as though our internal requirements will certainly be not less than 1,250,000 bags of maize. It looks as though we might get that million bags from the native reserves. It has not been a bad year, except in certain places. Therefore we have not got much margin to play with.

Before I leave the subject of supply and demand I would like to say this, that the hon. Director of Agriculture explained this morning that there had been recently (quite recently in some cases) very urgent military demands which had to be met. He explained that the season had been late, the cold weather had gone on much longer than usual, and that the new maize had not yet come in. He has explained that "late blight" in potatoes had caused large numbers of natives to eat maize which they would otherwise not have normally consumed. I should like to add that the K.F.A., who are generally fairly accurate in their estimates, reckoned that they had at the end of the month of June 46,000 to 50,000 bags ready for delivery. They delivered somewhere about 11,000; the rest disappeared or was never there. But those who were responsible for the military requirements to which I referred, some of a very urgent nature, were naturally relying on those figures. I saw only yesterday a telegram from the District Commissioner,

[Major Cavendish-Bentinck] Kitale, asking could European farmers sell some of their maize to natives in the reserves. I know that at least three very senior Government agricultural officers have been all round the reserves looking for maize and have not been able to find maize. I know that some of the Kikuyu in the Thomson's Falls and Elburgon areas have been railing maize to their relatives in the Kikuyu Reserve.

I am stressing this because I do not want to subscribe to an entirely false impression by suggesting the Control is entirely responsible for the absence of maize, which is a very easy thing to say without careful examination, but I am convinced from the evidence that I have—and I have no hesitancy in saying so—that the true facts are that the maize is not there at the present time. I would be the last person to depreciate the difficulties that a number of producers have met with owing to shortage of maize. Naturally we will do everything we can to help, and I would appeal to everybody on this side of Council to give such advice as they can to try and assist us in getting through a difficult period.

We have had telegrams read out from associations and so on which clearly prove that in some districts people are rather desperate, but I would make also this appeal, that a district such as Kiambu—about which we all had telegrams yesterday—might include in their list for circulation the Maize Controller who, after all, is responsible, not me. Out of curiosity I went around yesterday to find out what was being done about this particular difficulty by the Controller, and, rightly or wrongly, I was informed that the only demand he had had from Kiambu Boma was for ten tons, which was being supplied, and had he been told of this emergency he would have done what he could; if they were short he had allocated 500 bags of *mtama* for use in that area for any emergency but no one would take it, and so he had now brought it back to Nairobi. I would also suggest that if people come to Nairobi, for instance the hon. Member for Kiambu, to look for food, one place she might try would be the Cereals Control, because they are more likely to get what they want there than from Indian middlemen!

I have been endeavouring so far first to prove that we must obviously have a Control and that it must be a physical control, and secondly to prove that the present shortage is not at any rate entirely attributable to the fact that the present form of control has been instituted. Now I would like to deal with one or two difficulties. I do not think we need go over the Sh. 4/90:Sh. 9 and Sh. 9:Sh. 4/90 smoke-screen. It has been suggested (and I rather agree in some ways) that persons should be allowed to buy maize from natives for their own use at a price in reference to which they can make their own arrangements, but I would like to add that having arrived at a fair price of say Sh. 9 for European maize and at a fair price for native maize, unless you are going to have some control—and some physical control—you are not going to be able to buy that native maize at the price that a lot of people think they are going to buy the maize at. I entirely agree with the hon. Director of Agriculture that at the present time if there had not been physical control, a lot of people would be reduced to buying such maize as could be found in the black market at certainly not less than Sh. 20 a bag, because the maize would just disappear, like everything else does in this country the moment there is any attempt at rationalization; certainly when there is a shortage. I would also like to draw attention to the fact that we are still consuming here the cheapest maize in Africa by a very long way.

I would suggest that when we do go into a complicated and difficult scheme, such as this Control, that we do look ahead and do not simply go for the easiest way out, which is that there should be a subsidy for the European grower and that the native should take care of himself. It would not work and I am sure that if hon. members sit down and think it out they would realize it could not possibly work. The European grower might be given a subsidy, but it would put farming on a totally uneconomic and unsound basis after the war, and I do hope that any scheme that is instituted now will at any rate be construed with the idea that it is going

[Major Cavendish-Bentinck] to stand the test of time after the war. It has been suggested that one should make definite contracts with European farmers for Sh. 9 a bag for export and that the native maize would be sufficient to satisfy the maize requirements in the country at a reasonable price. My hon. friend Dr. Wilson laid great stress on a "reasonable price". I think I have proved by quoting figures that without the European maize you would not have enough maize to go round, and therefore it either means a subsidy or it means a poll, or at any rate bringing all the maize under one head in one way or another. He talked about large annual over-production by non-natives. I think I have smashed that. There is no over-production either by natives or non-natives today in spite of Government having guaranteed Sh. 9 under the new Increased Production of Crops Ordinance. . . .

DR. WILSON: On a point of explanation, I said there should be no need for a large annual over-production by the non-natives; I did not say that there was one.

MAJOR CAVENDISH-BENTINCK: By implication the hon. member certainly did. He was a little hurt that at a public meeting held at Kiambu the only two Government people who were there were two persons in whom he had no faith whatever, myself and the Deputy Chairman of the Production Board. Actually, of course, the Director of Agriculture was also there and spoke at the time.

The hon. Member for Trans Nzoia suggested that we had over-exported and, of course, in a sense he is right; had we not exported that 140,000 bags I have mentioned, we should have some maize in the country to-day. It was not actually the controller who did so—although I admit the same person may have had something to do with it—but the fact remains it was not the Control. It was also suggested that any commercial man could have sold this maize at a very much higher price per quarter at that time, which is not true. One of the chief reasons for a Control is to be able to estimate more accurately what the maize position is, and it must be a physical control for that purpose, and what will

happen now is that the Control will be able to ascertain what maize is coming out of the reserves through the buying centres, and can keep an eye on it from then on. In the past it has not been possible to do that; it just disappears, and indeed when they were hunting for maize for the military at one period they found a lot of maize in Mombasa and all over the place which was being held up and hidden for speculative purposes. I will now answer another query which the Director of Agriculture overlooked, and that is where this maize will go to. Now, we are not entirely free as to where we sell maize. We may for instance try hard to sell maize at a profit (if we have a surplus) to South Africa, but the Ministry of Food steps in, and the Ministry of War Transport steps in on the shipping side, and in fact they interfere with every sale we make in respect of price to far too great an extent. We may suggest that our maize might go to South Africa or to Rhodesia, or to the Middle East, but the Ministry of Food in the United Kingdom is kept informed as to surpluses and it is they who instruct us where that maize is most urgently required at the time it is delivered, and that is where it goes.

Another matter has crept into this debate which does actually concern me, and, although it is not strictly part of this subject, I think I must for the information of hon. members explain the bran and pollard position. The bran and pollard position is roughly this: that owing to the introduction of "national flour" which involves an admixture of granulated maize meal, and a percentage abstraction from wheat of 75 per cent or 80 per cent, there are far less wheat offals offering than was the case in the past. At the present time, instead of about 15,000 centals of wheat offals a month being available, there is now a total of about 9,000 centals of both wheat offal and maize bran; it is about 6,000 centals of wheat bran and about 3,000 of maize bran. This it was hoped would prove enough to provide all consumers of bran and pollard with about 50 per cent of their pre-war requirements. That was a rough and ready method designed in order to obviate yet one more control, but it has not worked; we cannot pretend

[Major Cavendish-Bentinck] that it has. So we have had to deviate from that and we are arranging that there should be a priority laid down by persons who profess to be experts in the matter, in which priority available supplies will be issued, and this distribution will have nothing to do—or not very much to do—with past consumption; but will ensure that all available wheat offals will be used in the best interests of war production. I am afraid that at the moment there is no bran because, owing to the maize shortage, we have to rely on wholemeal bread, and if you have wholemeal bread, where are you going to get any bran? That position will rectify itself and I understand we shall be going back to national flour at the beginning of next month.

I have tried to defend Maize Control, not because I have any particular interest in doing so—it does not reflect on anything that I do—but because there is nobody here to defend it except myself, and I think at least we can give people who are trying—as a lot of them are—to do a real and practical job of work a fair deal. I believe that we are all agreed—and nobody more than myself—that this thing is working most imperfectly and creaking very badly. I think that there are certain remedies, some have been suggested, but I am going to suggest some more. My first one is that everybody should pay the same price, or proportionately the same price, for products in possibly short supply. That has been, I think, agreed to, in that Government and the Railways are going to pay the same as other consumers, and I personally think that the military should pay the same price, or very nearly the same. That is a comparatively minor point, but will certainly help in equalizing the position.

The next and most real difficulty to overcome is the purchase by the farmer of squatter maize produced on his own farm. There are two methods of purchasing squatter maize, and incidentally I do not believe that the Controller or the Director of Agriculture or anybody realizes the magnitude of squatter maize production. It seems from the returns that the Production Board have had that the total acreage under European maize

amounts to some 85,000 acres, and squatter maize grown on European farms amounts to no less than 36,000 acres. That 36,000 acres should produce, call it only six bags per acre, well over 200,000 bags, and the applications for permits to purchase squatter maize that have already come into the Control total 181,000 bags; 154,000 for human consumption and the rest for stock feed. I do not believe that the extent of squatter maize production and consumption has ever been realized; normally this maize is consumed by those European farmers who have asked for licences to buy squatter maize, and never comes on to the market. It has always been an unknown factor which has never entered into our calculations. For this reason, I believe that a man should have the right to buy his own squatter maize for his own consumption on his own farm without paying anything. (Hear, hear.) I do not believe it would make very much difference—roughly not more than £10,000—in the accounts of the Control. I believe this amendment would help people and would be fair and reasonable. At the moment the suggestion is that the farmer has the right to purchase as much of his own squatter maize as he likes, and he pays Sh. 4/90 for it, but he has to send Sh. 2/10 to the Control in respect of every bag he buys. Squatter maize which is surplus to his requirements he sends in direct to the Control and gets 25 cents per bag for his trouble. I do not see why a farmer should not buy his own squatter maize as he likes, sending his own surplus squatter maize direct to the Control, and in respect of this the farmer should have some small something or other for his trouble. Nor do I believe that any 75 cents in respect of any squatter maize grown on European farms should be chargeable at all. It is all very well saying "we are going to give it you back", but it is an infernal nuisance; I do not know in what form it is going to come back. That then is one further proposal I have as regards a man and his own squatter maize, but there remains another difficulty. For instance, may I buy maize from a neighbour, I having no squatters; he has. I am inclined to think that this permission will create difficulties, but I think that it is a matter that can be dealt with by the Control

[Major Cavendish-Bentinck]  
Board who are going into this thing pretty carefully.

Then we come to plantations adjoining the reserves and which have been in the habit of buying cheap maize from the reserve. I am inclined to think that if it could be done they also should be allowed to buy for their requirements, but not under any circumstances, of course, for marketing, only for their own requirements. As has been suggested by the hon. Member for Ukamba, it should be made a very heavy penal offence if anybody starts marketing maize on their own without a licence. There is one further thing . . .

MR. COOKE: May I remind you of a point I made—and several other speakers—as to why there should not be an average rate for Europeans and natives and a subsidy paid to the Europeans from the Colony's funds to make up for his increased cost of production?

MAJOR CAVENDISH-BENTINCK: Yes; I will try and deal with that. I will, however, just continue for the moment along one train of thought. I think that all railages should, if it is possible, be averaged. I may be wrong over that, but as things are it seems to me very difficult—I think this was pointed out by the hon. Member for Kiambu this morning—to make any sort of forward contract or to realize where you stand when you apply to the Control for maize which may be sent to you from Kitale or from the next door station. I believe that it would be more satisfactory on the whole if everybody knew exactly what was going to be the price of maize and *posho*, say, for the next year. On the other hand that might hit certain districts who are in the habit of getting maize nearby and only in certain times of the year getting maize from any distance.

It has been asked why the price of *posho* has not been regulated. The answer, I understand, is this; that there is a charge laid down by the Maize Control Board for gisting, and it was thought that competition in this line of business was so great that if you fixed the price of *posho* everybody would charge the maximum, whereas if you left

it free, competition would make various dealers sell below the permitted charge for gisting and the public would get *posho* cheaper than if the price was laid down. I do not personally know anything about it, but that is the answer. I am inclined to think myself that they were wrong and should have fixed a price for *posho*; that is a matter to be gone into.

The hon. Member for the Coast has just asked me why we cannot pay the same price for native maize and European maize and then the Colony's funds should provide a subsidy in order to encourage Europeans to grow maize. In the first place I do not know what price he had in view for native maize . . .

MR. COOKE: Sh. 6, or something like that.

MAJOR CAVENDISH-BENTINCK: Sh. 6, I presume, for the normal way in which the native sells his maize; that is in half-bushel *debes*; not a bag?

MR. COOKE: Yes.

MAJOR CAVENDISH-BENTINCK: I presume the hon. member does not mean Sh. 6 all over the country. I presume he means Sh. 6 free on rail. I take it that there will be a deduction for transportation and for handling at points away from the Railway. Still, if you put the f.o.r. rate at Sh. 6 you would have to add the price of the bag which has been put down at Sh. 1/20, because maize going to the consumer will have to be in some sort of container. This figure of Sh. 1/20 which has been discussed several times, was put down as that is likely to be the price of the bags which are being ordered on Government account and which are at the present time being railed from Calcutta to Bombay. The price of second-hand bags is admittedly only 75 cents, but where are the second-hand bags? there aren't any to be had. One has therefore to calculate on the basis of new bags. At any rate, Sh. 6 and Sh. 1/20—I am supposing that the Sh. 6 includes the Indian middleman—that gives you Sh. 7/20 a bag, and then you have got railage, Sh. 1/60, and storage charges and 25 cents for the control; so that the price of this native maize would really work out at

[Major Cavendish-Bentinck]  
over Sh. 9 for something under K. 2 quality. This is supposing that Sh. 6 was f.o.r.; if not, and transportation and handling charges are added, the Sh. 6 native maize would in many cases cost more than the Sh. 9 European maize. In any event I would plead very very strongly indeed against doing something which is going to place a very large industry on an utterly uneconomic basis. The time will come when natives who can produce K. 2 maize in bags f.o.r. which can be properly graded will get the same price as everybody else, but in the meantime the European, if his production during the war is going to be based on a subsidy from Government, knows he will not have a hope after the war of that subsidy going on. He knows that he will be pushed therefore suddenly clean out of maize, and probably in the middle of a slump. The European as it is gradually going out of maize; going out of maize to the tune of what was 233,000 acres to only 85,000 acres this year; but those who can grow maize and grow it scientifically on the right sort of soil ought to be enabled to do so without a subsidy by holding out some reasonable price which may be continued after the war. That is why I pleaded at the beginning that we should put up something that can continue after the war.

I have been a very long time, and I apologize, but it is an important subject, and a subject which it is terribly hard to debate because it is all detail. If one could have a series of questions fired at one to answer then one could perhaps draw a picture more easily. But I would plead, and most earnestly, that it is so easy to be destructive, so easy because a measure has not proved completely successful to lead a cry against it. Our duty is to do more than that! This maize problem has puzzled us now for eleven years at least, I know this Control is not entirely right now, but we should try and face the difficulty by finding a solution and not simply by abolishing something we have built up by passing resolutions demanding something mythical out of a hat. I was going to move an amendment, which I have not asked anybody to second (and probably no one will!).

but I submit it would be a wiser resolution on the whole, considering that at the last meeting of the Settlement and Production Board, at which both producers and consumers were represented, the following resolution was passed after a lengthy and detailed discussion which took about a day or more. The Board resolved "That the present maize control regulations be given a trial for a period of six months and thereafter their operation and consequential repercussions be reviewed". Many people subscribed to that a very short time ago, but now they have completely changed their minds. The Maize Control has not been given a chance, it has only just started. It may have been foolishly started, perhaps, in one sense in that according to our known experience it was started at a time when maize is always short; on the other hand, if we had not had control, maize would have been shorter still I believe. I was going to suggest as an amendment "That this Council, being of the opinion that the present system of Maize Control is in some respects proving ineffective, resolves that steps be taken forthwith to introduce necessary modifications".

MR. WRIGHT: Your Excellency, on a point of order, is such an amendment admissible? I would suggest with all respect to the hon. member that it is couched in very much the same language as mine and is substantially the same as my own motion.

HIS EXCELLENCY: On the point of order raised I hold that the amendment proposed is admissible.

MAJOR CAVENDISH-BENTINCK: The amendment is in fact slightly different to the motion. I am not going to make a long speech to it, that would be unnecessary. I have explained a great many of the difficulties, and I have admitted that the present system of maize control is not entirely successful. In Southern Rhodesia there have been three separate bills, and it is the third one which is being tried out now, so that the problem was not found too easy there. I would suggest that the wisest thing, if notice is to be taken of the points raised, would be that these should be conveyed to the Control Board which is, I believe, sitting to-



(Mr. Wright) for, notably his assurance in respect of the 75 cents collected from squatter maize, and particularly the announcement that both Government and the Railway have agreed to pay the same price as other consumers and that there is a reasonable hope that he can get the military to toe the line, stand properly to attention, and pay their just dues.

Now, passing on to the magnificent defence of Government and the Maize Control put up by the hon. Member for Nairobi North, I would only remark in passing that at the end of what was quite a remarkable speech in favour of control he seemed to forget that we are all in favour of control, but not in the particular form in which that applies to-day, and at the end of an otherwise excellent speech he put up an amendment of a face-saving nature, but in favour of Government whose uncontrolled control has broken down. He made references, and useful ones, to the rationalization of that Control, and one we must take into consideration in a land of plenty which it is necessary to control by a very rigid permit system the consumption of maize by local consumers. He also referred to the fact of people perhaps being upset by telegrams from their constituents and others. Doubtless he was alluding to a whole sheaf of these on my table which I forebore to use, but I am quite certain the Council would appreciate the joke in one, which reads (from Nanyuki), "Still no posho. Boys not working. If Maize Controller out of lunatic asylum please apply ginger." (laughter). So, rather far from being upset, there is a lot of gaiety to be found in efforts in the public life in terms of these delightful telegrams. Then he spoke, as did also the hon. Director of Agriculture, of the soil erosion risks. But is it seriously suggested that growing cabbages and other forms of brassica plants are going to create less humus wastage or create less erosion than maize growing in the same areas; I doubt it. Even my hon. and gallant friend referred to the analysis in 1931 as to production costs *vis-à-vis* those applying at the present time and found that the analysis then was Sh. 63/36 cost per acre, compared with the fact that the guarantee to-day is only Sh. 35 per acre.

May I suggest that in putting the motion on that very account I suggested an increased cultivation subsidy to meet such a situation?

Now in June, or thereabouts, this year, a reference was made by me to the fact that the K.F.A. estimates indicated that 46,000 to 50,000 bags of maize were available, and how in a miraculous way when that was wanted it had disappeared. I would suggest with all respect that the same person who is now Controller must have had a pretty good knowledge of the facts, as up to within a very few weeks of that time he was general manager of the K.F.A. whose estimates were referred to. I was particularly glad to hear the opinion expressed so strongly by my hon. friend in respect of the disposal of the Sh. 2/10 proposed charge on squatter maize. It is farcical that the land owner should have to pay such a sum and I trust that he will use his great influence as Director of Production to see that that particular amount is deleted from the list.

As I say, I am sorry that such a modest motion as mine, containing one unkindly word called "failure", should be unacceptable to Government. But I was determined that the issue should come to a vote because the country has very strong feelings about this. So, Sir, for the second time this week, I call for a division so that I may once again judge of the impartiality and conscience of hon. members opposite.

The amendment not having been seconded, the question of the original motion was put and negatived by nineteen votes to eight.

*Ayer*—Mr. Cooke, Col. Gherrie, Mr. Kasim, Col. Kirkwood Mr. Nicol, Mr. Vincent, Dr. Wilson, Mr. Wright (eight).

*Noes*—Messrs. Blunt, Cavendish-Bentick, Brown, Daubney, Fazan, Gardner, Hebden, Hosking, Isher Dass, Izard, Lacey, Mortimer, Paterson, Pedraza, Robins, Stronach, Surrudge, Tester, Tomkinson (nineteen).

#### ADJOURNMENT

Council rose at 5 p.m. and adjourned until a date to be notified.

#### Tuesday, 15th September, 1942

Council reassembled at the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 15th September, 1942. His Excellency the acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 21st August, 1942, were confirmed.

#### COMMUNICATION FROM THE CHAIR

His Excellency made the following communication from the Chair:—

Honourable Members, I had hoped to be able to announce to-day the conclusions at which the Government had arrived as regards modifying the Maize Control scheme. I regret that I am not yet able to do so. The Maize Board and the Government have been giving most careful consideration to the working of the scheme in the light of experience gained from its operations up to the present, and certain proposed modifications of an important nature are at present under examination. I know that you will be disappointed that final decisions have not yet been reached; you are, however, aware of the complicated nature of the problem. I can assure hon. members that the Government realizes the necessity of finding a satisfactory solution as soon as possible and is doing all that it can to achieve that object.

#### PAPERS LAID

The following paper was laid on the table:—

By MR. SURRIDGE:

Standing Finance Committee Report on Schedules of Additional Provision No. 5 of 1941 and No. 2 of 1942.

#### ORAL ANSWERS TO QUESTIONS

##### NO. 23—BACON SUPPLIES

MR. COOKE:

In view of the fact that bacon and ham supplies are required by the fighting forces and are, during a shortage, rightly not available for the civilian population, will Government please inquire:—

(a) Whether the naval, military, and air force personnel employed at a base are receiving rations of bacon and ham, or are able to obtain them, and, if so, whether civilians employed on war work can be similarly treated; or alternatively.

(b) Will Government make representations to the naval, military, and air force authorities requesting that naval, military, and air force personnel employed at a base should not receive these supplies, when a shortage exists, so that there may be more available for the fighting forces?

MR. TESTER: (a) So far as the Government has been able to ascertain, the answer to the first part of the question is in the affirmative, subject to the availability of supplies. The answer to the second part is in the negative; civilians employed on war work are not rationed by the Service Authorities, nor, as civilians, are they given preferential treatment over other civilians in the matter of food supplies.

(b) This is not a matter in which the Government can intervene.

##### NO. 24—DANDAS

MR. COOKE:

In view of the abundance of material available throughout the country from which bandas can be made, and that buildings of this description could be erected at considerably less cost than by using imported building materials, and the fact that civilians in many parts of the country live in houses so constructed without detriment to their health or comfort, will Government suggest to the Naval, Military, and Air Force authorities the advisability of erecting bandas; that imported building material becomes available for other vital purposes, and that residential houses and hotels now requisitioned may be vacated at the earliest possible date?

MR. STRONACH: Local materials are used as far as possible for all works for the Services and many buildings of the banda type have already been constructed. The present position is that the supplies of local building materials available are not sufficient to meet the



[Mr. Stronach] demands for erection of buildings at the speed required.

The desirability of releasing requisitioned hotels and residential houses as soon as possible has not been overlooked by the Government, and the question has already been taken up with the Service Authorities concerned.

MR. COOKE: Sir, with regard to the first part of the answer, is Government aware that there are nearly a quarter of a million boriti poles lying at Lamu ready to be used?

MR. STRONACH: Government is aware that a number of boriti poles are lying at Lamu. The difficulty is obtaining transport to bring them to Mombasa.

MR. SHAMSUD-DIEN: Arising out of that answer, is the hon. member aware that a very large number of what are called off-cuts from sleepers supplied to the military are lying in all the forests which can also be used for some purpose? Have Government seriously considered the construction of temporary buildings suggested in the question for relieving the terrible congestion in the township of Nairobi?

MR. STRONACH: The off-cuts mentioned by the hon. member are in fact being used from sleepers delivered to my Department, at any rate for making furniture, and the off-cuts from timber have in fact been used for the purpose of buildings.

MR. COOKE: Arising from the Supplementary answers, will the hon. Director of Public Works give an assurance that the dhows will be used to full capacity to bring the much needed boriti poles to Mombasa?

MR. STRONACH: I am afraid I cannot give that assurance.

#### NO. 37—NATIONAL FLOUR

MR. KASIM:

1. Is it a fact that about 30 per cent of bran and pollard come out of white wheat flour when milling?

2. Is the bran and pollard sold to stock owners as cattle feed?

3. Having regard to the need for exporting all available surplus wheat to the Middle East, will Government persuade stock owners to adopt substitute foods for the stock such as rice dust, oil cakes, maize bran, mtama, cottonseed, etc., instead of the wheat bran and pollard?

4. Is Government aware that if stock owners adopt feeding substituted foods to cattle and pigs there would be sufficient wholemeal wheat flour available for local needs without reducing the export quota?

5. Will Government consider introducing the wholemeal as national flour in the interest of preserving the health of the consumer?

MR. TESTER: 1. Before the introduction of maize meal as a diluent, flour and atta yielded in process of milling an average of 23.5 per cent of bran and pollards over the two qualities. At present the percentage is 19.5.

2. Yes.

3. Stock owners are already using substitute foodstuffs such as rice dust, oil cake, etc., since the introduction of national flour and the increased demand for bran and pollards has resulted in supplies being less than half of present requirements.

4. The substitution of wholemeal wheat flour would increase the local consumption of wheat because the percentage of maize meal added exceeds the percentage of bran and pollards removed.

5. In order to free the maximum quantity of wheat for export overseas the Government considers that it is desirable to maintain the existing percentage admixture of maize meal in national flour and atta. The Government has no reason to believe that these products, if properly cooked, are injurious to the health of the normal consumer.

#### NO. 40—POSTAL FACILITIES FOR NATIVE TROOPS.

COL. GHERSIE (Uasin Gishu):

Will Government please state if it is prepared to allow free postal facilities in regard to correspondence from relatives to native troops on active service?

MR. HEBDEN: Free postal facilities in respect of correspondence from relatives to native troops on active service have already been provided, so far as Kenya is concerned, under a scheme recently arranged through the East African Command Welfare Office. This scheme includes the provision, free of charge, of the necessary stationery both for letters from relatives to native troops and from native troops to relatives. The postage on letters from relatives is borne by the East African Command Welfare Office. Letters from native troops require no postage.

#### NO. 42—SPECIAL K.U.R. & H. COACHES

MRS. WATKINS:

Will the Hon. General Manager, K.U.R. & H., please state:

(a) If the K.U.R. & H. is short of rolling stock, can we be informed how many special coaches are kept for (1) senior Railway officials, (2) senior Government officials of Uganda, (3) senior Government officials of Kenya?

(b) Could not the officials concerned be asked to relinquish their coaches for the duration, so as to increase the available rolling stock without exporting valuable war material from Britain at this time of national crisis and to save British shipping?

MR. ROBINS (General Manager, K.U.R. & H.): The K.U.R. & H. Administration has four bogie coaches, the use of which is pooled between the senior officers of the Governments of Kenya and Uganda, the Military, the Judiciary and the senior Railway officials. One of these coaches is of a small type and it is essential that it should be retained for railway inspection duties which involve travel by goods train and stabling at stations where no accommodation of any sort exists. The other coaches are, on occasions, also used in connexion with emergencies. It would be possible to convert the three remaining coaches to provide sitting accommodation only. The use of such converted coaches would therefore be very limited. The work involved would be very considerable and would impose a strain on

the engineering resources of the railway which are fully occupied in connexion with war work.

The Administration does not consider in these circumstances that the alteration of these coaches is justified.

#### NO. 47—NAIVASHA WATER SUPPLY

MR. KASIM:

(a) Is Government aware of the fact that the residents of Naivasha Township experience great hardship owing to the lack of a fresh water supply?

(b) If the reply is in the affirmative and having regard to difficulties in securing the necessary piping and other materials owing to the war conditions, will Government at least arrange for boring in the Naivasha Township to secure a fresh water supply?

MR. STRONACH: (a) I would refer the hon. member to the reply which I gave on the 17th of December, 1940, to the first part of his question No. 41 of that year.

(b) The water supply scheme which has been prepared for Naivasha Township includes the provision of a bore-hole supply. This supply, however, would be located some considerable distance away from the built-up areas of the township, and without the installation of a large amount of piping would do little to relieve the position in the township. Boring nearer the built-up areas would be impracticable.

#### WAR RISKS INSURANCE BILL

##### FIRST READING

On the motion of Mr. Harragin, the War Risks Insurance Bill was read a first time, and notice given to move the subsequent readings at a later stage.

#### NATIVE PRODUCTION AND WELFARE POLICY

MR. COOKE: Your Excellency, I beg to move: That this Council urges Government to pursue without delay a progressive and farseeing native production and welfare policy and that non-official Europeans be associated more closely in the formulation of that policy.

I am moving this motion to-day because there is a large and representa-

[Mr. Cooke]

the section of the Kenya European public who feel that Your Excellency's Government is not pursuing a native policy progressive enough to satisfy what is at present the desire but which may later become the demand from the African population. They feel, too, that Europeans would like to be more closely associated in the formulation and carrying out of that policy, not necessarily directly, but at any rate indirectly, so that their views may be considered and that their experience—which is not inconsiderable—may be put in a common pool with yours. I should like to emphasize that this motion and this feeling is not born of any recent events in Malaya or Burma, but that it was in the minds of many thinking people long before this war began. It is many years now since Mr. Winston Churchill talked about association as a "high and honourable task", and if in the meantime little has been done in that respect I am afraid that this side of Council must take a certain share of the blame.

I am not going to keep Council long, and I am going to deal with three main points. The first is the increase and improved representation of Africans on this Council. The second is the trend of native education policy. The third is the welfare and future of native areas.

With regard to the first point, I am careful to speak of representation of natives rather than the representation of native interests, because not everyone in this Council realizes that the two gentlemen who are here are here not to represent necessarily what the African thinks best for himself but what these two gentlemen think best for the African; and that is not always quite the same thing! I do not say that these two hon. members have not been actuated by a sincere desire to promote the welfare of their clients, but I do say that from the very nature of things they are not in a position to appreciate what the African wishes for, and we have had, I submit, even on occasions in this Council motions and measures advocated which were not even in the interests of Africans. One member, I think I must say, had so recently left the Government service that he could not possibly be expected to be a

candid critic of policies for which he himself had been largely responsible. For that reason I strongly urge that not only should there be an increased representation of Africans, as advocated in the Hilton Young report, but also a different mode of selection so that the Africans themselves may have some say in the election or selection of their members. In that respect, I would suggest that local native councils should elect members to represent them on provincial councils and that those provincial councils should elect members to form a Central African Council in Nairobi, and it should be the duty of that Central African Council, *inter alia*, to consider a panel of Europeans whose names are submitted by Your Excellency, and to choose from those names five or six to represent Africans in this Council. The number, of course, would be a matter for consideration. I think two of those members should be missionaries of the militant type. It is no use having in this Council missionaries or others who are unable or unwilling to present the African point of view as strongly as possible. The gentlemen on the other side always like to be surrounded by people who will dance to their own tune, but if Government thinks that after the war either Europeans or Africans are going to tolerate any longer that state of affairs I think they are pretty well mistaken.

I am advocating this representation of Africans as a very urgent matter. The history of all nations shows that unless people possess some degree of franchise, their interests are not really properly looked after. Somebody said that franchise is a means, not an end. I do not mean by franchise the ballot box; that method would be entirely unsuitable for Africans, but "freedom to vote", and that freedom to vote may be exercised directly or indirectly or by some other means. It is said that the African is proceeding too rapidly in many matters, that he should proceed by evolution rather than by revolution. I would point to our own country, and say that we went through a lot of pains before we reached the present stage of so called civilization that we have in Europe to-day. Let us consider that argument. Are we to say that no native shall be allowed to drive

[Mr. Cooke]

a motor car until he has first handled a tricycle and a penny-farthing? Or say that he shall not be permitted to work in factories which we hope to see established after the war until he has gone through the child and sweated labour the workers in the factories at home underwent? Are we to say that askaris must go from the bow and arrow stage to the blunderbuss before they may use a modern rifle? If we stick to that we shall soon have the enemy thundering at the gates of Nairobi! The Japanese in one or two generations progressed from the feudal state to a highly organized and industrialized nation.

My second point is education. I think most thinking people will agree that we must increase elementary education among the Africans in this country. At least that is the policy which is followed in South Africa now, a country which, by the way, has done far more for its native population than many people realize. In order to get elementary schools we must have teachers. By teachers I do not merely mean men who impart the three R's, but natives of character and personality and with a flair for the job they are performing. These teachers will need to go to a training centre and we must have secondary schools to provide teachers for these; and to have secondary schools we must have teachers with university training, and that brings me to the much discussed Makerere College. We cannot have elementary education without Makerere College. It is the apex of the whole pyramid of education in this country, and when people say they do not want Makerere but they want elementary education I say they cannot have one without the other. I think it is a pity that so many people in this country decay and disparage Makerere. Not only is that contrary to the views we have so often expressed, that we wish to see the natives go ahead, but it has repercussions on the more sophisticated African who regard our good faith in this matter as the touchstone by which our efforts will be tested.

If I may divert, I should like to know—and it does to a certain extent hinge on education—what Government

are doing about the Arab and African Terms of Service? The answer I got to my question the other day was entirely unsatisfactory. It was a typical Government smug answer, "that the matter is under consideration". People in this country, are a little bit tired of that answer. This matter has been going on for several years. People may disparage African clerks and compare them unfavourably with untutored savages, but those clerks are a necessity to this country, to merchants and to Government. Promises are a very poor substitute for performances to these clerks living on the very margin of subsistence. I would ask the hon. gentlemen on the other side of Council not to be, if I may again use the expression, so smug on these vital matters which concern their own people whose interests they are here to defend.

It may be said, unfortunately is said or thought, by a large number of people in this country, that the African must remain a hewer of wood and drawer of water for ever, no doubt to line the pockets of those gentlemen with a little more profit! That is exactly the same thing which was said in England 100 years ago by those stolid but stupid Victorian gentlemen who would have denied education to the masses of England. I think I can justifiably remark that if that policy had prevailed in England we might have people in this country to-day who, if their grandfathers had not enjoyed the advantages of free education, would not be where they are. Instead of being in this beautiful country of sunshine and promise, they might be sniggering turmps in Wales or digging turf in the bogs of Connemara! So I think a fellow feeling should make us wondrous kind in a matter like this.

My third point is future welfare in the reserves. That point I am led to by easy transition from education to medical and agricultural work. The Royal Commission on Agriculture in India emphasized in its report that agriculture did not go ahead because the people were insufficiently educated. I think the hon. Director of Medical Services and myself are about the only two members in this Council who have read that report thoroughly, and I think he will agree

[Mr. Cooke] with me that these quotations are correct. The Commissioners say: "We desire to record our deliberate opinion that illiteracy presents the most formidable single obstacle to rural development", and they emphasize, "We must make a determined attack (in India) on illiteracy". Of course, we all know the old proverb, "A sound mind and a sound body", and we cannot expect the native reserves to be happy and contented if people are full of worms and other diseases. On this point I would like to lay emphasis that if and when these campaigns to eradicate diseases are conducted a recrudescence should not be allowed to occur from lack of funds to carry on the good work. To allow this seems to me penny wise and pound foolish. There is an instance in Digo. Some 15 years ago the district was completely, or almost completely, cured or relieved of hookworm disease, but I think that to-day (the hon. Director of Medical Services will correct me if I am wrong) there is a prevalence of that disease again. The Medical Department are not to blame for that. In my opinion my old friends the Administration are, because different provincial commissioners have different policies and good work started is not always carried on. One provincial commissioner thinks more about record taxation, and another of roads and bridges, and another of his duty to entertain distinguished strangers, and the consequence is that the unfortunate native suffers. I do not know whether many people realize the amazing good effect that medical services have in the reserves, politically as well as, from the humanitarian point of view. Gertrude Bell, the famous correspondent in Arabia in the last war, spoke of medical services as an "invaluable political asset"; so that for that reason alone we should pursue medical work to the utmost extent we can. I would like to quote from a recent work: "Experience has shown that among literate and semi-illiterate peoples the most fruitful method of instruction is through visual demonstration in the villages where the people live and cultivate; it is village welfare work that is wanted at first rather than highly specialized research. The speed and

effectiveness of this educational work depends on personal supervision and manual demonstrations which take the place of books and pamphlets".

I should like to see an extension of the scheme, I think it has already been tried, certainly it has in Tanganyika, of Europeans of the handy man type posted to backward villages, and their duty would be to teach natives, by example as well as precept, ordinary simple hygiene, construction of houses, building of dams, wells, and various other things which would add to the amenities of the countryside. And I should like to see their work co-ordinated in Nairobi by a Native Welfare Committee composed of non-officials as well as officials. I think there is a committee to-day, but it has not any non-officials on it as members.

We often hear the phrase, "giving an agricultural bias to education". That phrase, like many others in this country, has become hackneyed. Everybody would like to see as many natives as possible in agriculture, but it is not always feasible. Not every native, no more than every European, wishes to live in the country, nor is suited for it; and if we wish to make natives go back to the country we must make the countryside more attractive. It is necessary to provide mobile cinemas, wireless sets, lecture halls, even dance halls, and everything else which goes to provide the enjoyment which the young rightly demand. President Roosevelt the other day spoke about the post-war world as "work, leisure, and fun for everybody", and although it may be difficult to attain I think that is the sort of future we have to aim at for both European and African young in this country.

I should like to get an assurance from the hon. Chief Native Commissioner about this point, the private ownership of land. I know what the arguments are in favour, that it "turns sand into gold", etc., and I know that agriculture and husbandry in England never really went ahead until the enclosures. There is all the difference in the world between passive acquiescence to the present native tendency and Government's active assistance. In this latter the real danger lies. As my hon. friend knows far better than I, not only is land to Africans of great

[Mr. Cooke] pecuniary value but of great spiritual value, and it is the source of a great many native sanctions. It is there the spirits of their ancestors reside, and it is the repository of their cultures. So that we want to be careful before we upset native land custom. If I may be allowed to quote from the anthropologist Malinowsky, "The destruction of a native custom is usually destructive of law and order, and when we interfere with custom we should put something in its place," which we are not at the moment. So I should like an assurance that, certainly during the war, any active help towards private ownership will not be given. There has been brought into this country a ruling, or it is certainly understood at the moment, that no land shall be alienated in the Highlands during the war, although I think the hon. Commissioner for Lands and Settlement has relaxed a little in that respect, and I suggest that the same thing should be done regarding native land, that we should not upset the present system of tenure. Before very long *askaris* will be returning—are they to return to the country to find all their land hypothecated by greedy chiefs and headmen and others?

I have not very much more to say. I have no doubt that I may be to'd that my ideas are a little idealistic. There was a great historian who said that ideals in politics may never eventuate but that the pursuit of them influences history; and the ideals which prevail in this country in the next few years will influence the history of our country to a very large extent. We shall have thousands of natives returning after the war who have been to every kind of country, met all sorts of people, and mixed freely with all sorts of races. Are we going to suppress all their aroused energies and allow them to simmer with discontent? Are we going to delay reform so long that when it comes its usefulness will be greatly impaired? Are we going, as in Ireland, to be compelled to yield to force what we now refuse to concede to reason? Or shall we say to these natives, "We will give you every help we can, everything that is best in our civilization is yours", and everything they shall earn and deserve we shall not hold from them. That is the

reason I am moving this motion, that we may all go forward together to what has been truly called a "high and honourable task".

MRS. WATKINS: Your Excellency, I rise to second the motion before Council. There was in my mind at first some hesitation not as to the wisdom of the hon. mover's motion or as to what he was likely to say about it, but rather more as to the time in which he chose to bring it forward. It seemed to me at first that perhaps in this gravest hour of our country's history native policy was one of the things which might await more leisureed consideration, and I think that the hon. Member for the Coast will agree with me when I say that it is only the framework that should now occupy our minds or our time. If we do not have the framework ready "when the hour strikes," it may well be that a great chance of a fresh start in Africa, a chance bought very dearly for us by this war, may slip by again for another half a century. In planning ahead as the hon. Member for the Coast does, I think he is ahead of most of us in this Council, and lest some hon. members feel inclined to smile or go to sleep while the matter is being discussed I would remind them that he is not so much being seconded by me as he is being led by someone of rather more vital importance, Field-Marshal Smuts. I think the leadership in this case was, perhaps, unwitting; at least, I knew nothing of it until some days after I agreed to second this motion, but the fact that it was a coincidence does prove that the hon. member is thinking with other great thinkers whose problems are similar to ours in this Empire. I refer to Field-Marshal Smuts' speech at the inauguration of the Social and Economic Planning Council for South Africa. In that he showed a tremendous advancement on the policy at present in practice either there or here, but I do not think he was so much in advance or ahead of what various people of varying shades of opinion would like to see put into practice. Naturally I cannot put his ideas into such good words as he can, but I will quote two paragraphs if I may from that speech, because it is very difficult to believe that that speech was not made

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 in support of the speech of the hon. Member for the Coast. This is what Field-Marshal Smuts has to say:—"We as a Government in a very young country are faced with various difficulties. In the first place we are liable to spread our activities in the development of the country over departments, and the departments again pursue policies which do not always harmonize with the activities of other departments, and the result is that in our efforts to develop the country we do not get a co-ordinated plan in a considered long-range scheme. One department makes a move in one direction, another makes a move in another direction, and these directions sometimes do not harmonize, and sometimes even clash, and it is very difficult, with the enormous burdens of administration which rest on the Government to-day, to find time to produce a balanced effort, a co-ordinated effort, so far as Government activities in the development of the country are concerned. . . . Now we can reach the stage when we can no longer continue in this haphazard and slap-dash manner, when serious thinking based on accurate information, and based on scientific principles, has become necessary."

And so the Social and Economic Planning Council of South Africa has been constituted, and I submit that if they need it there we need it here, and perhaps even more so. As I see that Council, it should not consist of members who are heads of departments, such as the Director of Agriculture, the Chief Native Commissioner, the Chief Secretary and Financial Secretary, who are full time, if not overtime, Government servants, nor should there be nominated *ex officio* posts for us folk on this side of Council, but rather there should be men fresh from universities, or more recently from universities, than any of us can claim to be, full of economic and social theory, with just one chairman, an older man with great local experience and wide reading, and a very small-leavening of older men, and to them should be given the task of planning and co-ordinating for this country. That is the first of three recommendations which I think have to be put through to implement what were the in-

tentions of the hon. Member for the Coast when he put up this motion.

The second recommendation is that this Council should be instructed to plan in the following directions: Firstly, inside the native reserves; secondly, collective farming as preferable to individual tenure; thirdly, the creation of a native peasantry with numbers limited to the land available. I would stress that we have in this country probably *par excellence* the finest material in the world for experiments in collective farming, because our natives still think and act collectively to a large extent, and I also stress that it is absolutely essential that we should decide early between these two great principles, collective farming or individual tenure. If we do not decide, we shall drift to the ordinary British conception of land laws, just as between the years 1066 and 1189 the Saxon land laws were absorbed into the Norman feudal system so these laws will drift to individual tenure by the ordinary application of English case law and judgments of British judges, and we may miss the chance of following the more modern trend of thought of economic agriculture with collective farming. That is the first direction inside the native reserves.

The second would be the creation of native townships for the absorption of the urban-minded—as the hon. Member for the Coast said, we are not all agriculturally inclined—and for the distribution of native markets and for the residence of artisans. That would be the direction for planning within the native reserves. Now outside the native reserves—the creation of a body of skilled labour, skilled, educated labour. I need not enlarge upon that, technicians employed by Government can deal with that aspect far better. But Makerere, I quite agree, is one part of the necessary training of teachers. I believe technical training must go with the other training, and we must have skilled labour. The second point outside the reserves would be this—the maintenance of a body of unskilled agricultural labour on a wage-earning family supporting basis, which we have never had yet. And there I would say one thing that I do contemplate, and that is the partial industrialization of the country, call it if you like subsidiary industries;

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I do not mean that as antagonistic to agriculture, but rather as its partner. You get a great thinker like Henry Ford, with an enormous amount of capital behind him who, having achieved the greatest concentration in his factories ever achieved in this world, then, after fifty years' experience with that enormous fortune behind him to make his experiments, he breaks off large chunks of his great factories and puts them in the country where the men work so many months in the year, because he sees that agriculture and industry cannot be segregated without harming both, because by the segregation of agriculture from industry you hurt the human factor, and the human factor is the only one that really matters in the long run. That is a point for consideration. It is a very important point, and that is why I say subsidiary industries are what we need in this country as complementary to agriculture that would be the second direction outside the native reserves. The third is the initiation and maintenance of social security, such things as health insurance, sickness and maternity benefits, all those things. They would be the three objects outside the reserves to be planned by this new council. Then we come to the third recommendation, which also supports what the hon. Member for the Coast has just said. That is, in each district there should be a special welfare committee under the direct control of the Social and Economic Planning Council for the whole country. That, I think, would be essential.

Those are the three recommendations which I think should implement the framework through which we could deal with the problems as they arise after the war. These, of course, only deal with the native policy which could not possibly and would not be dealt with separately but as an integral part of the whole. The Eastern Africa to be, as I see it, is without these criss-cross dividing lines of class and race, but it is one whole co-ordinated thing proceeding along planned lines, with the Social and Economic Planning Council moulding the future and not drifting this way and that. One of the most essential things is accurate information, and there I think we have to have various impedimenta such as the

Statistical Department returned to us, a department that once was and is now no longer but which must be re-created for the future with wider scope. That, I think, is essential. We should, I think, take courage from the fact that these problems are not ours alone, that South Africa as well as Eastern Africa will be dealing with very much the same things. I should like again to quote something that Field-Marshal Smuts said at the end of that great inauguration speech which he made showing a new concept altogether of Africa. He said: "Africa is not a homogeneous country. It is not only a question of the European and non-European races. We have also different European races and cultures. We have a human situation as difficult and complex as any in the world. I am sometimes afraid that conditions are working up for a clash if we are not careful. . . . It is not merely a question of White and Black and Coloured. You have a similar situation of strain growing up among the Whites themselves. Politics have bulked much too large in our treatment of these difficult social problems. There, too, I think your council can give a lead, not only to the Government—who might be quite willing to follow a good lead—but a lead also to the country, to our public opinion. We have to educate our immature public opinion to a wiser, larger, human outlook. That is one of our great tasks." So says Field-Marshal Smuts. I would add that it is one of our greatest tasks here.

If we feel that we have made no progress, it is amusing, interesting, educative, to look back on another document that was tabled in this Council when all the world seemed very young to me, the 1912 Labour Commission Report. It is an incredible document, quite incredible, fit only to be shelved with those fierce British poor laws of the mid-Victorian era. But that report does show we have made some progress, but we have not made enough or fast enough. Some of us, to whom our visions of Eastern-Africa-to-be come most clearly in the early morning on our farms or out in the African night, see ourselves as a folk with a vision of a promised land but not ourselves destined to find the way into it. All we can do is to take the new young

[Mrs. Watkins]

leaders up the mountain above the mists of the past and see that the shadows hung with the cobwebs of departmental government do not obscure the vision of those eyes that have to scan the vision on the far horizon in the future years. Let us try and share that long vision that Field-Marshal Smuts has shown by bringing in this Social and Economic Planning Council. Let us try and have self-restraint and not have too many of our middle-aged selves on it, but one chairman, one or two perhaps of local knowledgeable people, and then let us put in that Council younger men, with directions to plan as has been mentioned, and there will surely come to them a vision of that same selfless courage in social service to their country that they could give in peace time which they have already given us so grandly in this war.

MR. PATEL: Your Excellency, I am very much in agreement with the general idea of the hon. Member for the Coast for the progressive and farseeing native production and welfare policy and with most of the constructive suggestions made by him, but I regret that I have to rise to move an amendment to the motion. I move that the words "without delay" in the second line be deleted and the word "energetically" be substituted, and in the fourth line the word "Europeans" be deleted and the words "communities directly represented on this Council" be substituted. Then the amended motion will read: "That this Council urges Government to pursue energetically a progressive and farseeing native production and welfare policy and that non-official communities directly represented on this Council be associated more closely in the formulation of that policy." My reasons for deleting the words "without delay" and substituting the word "energetically" are that as it stands it gives a wrong impression in one respect; it gives an impression that the non-official community have shown a greater concern than the Government and its officials in the past in regard to the production in native areas and welfare of the natives of this country which is not borne out by history if it is studied impartially. I think in the past the Government and its officials have done more for the native

production and welfare than some sections of the non-official communities. In fact, if we throw our minds back, the Government and its officials were often pulled up and were not allowed to go ahead with the native policy for the reasons of not allowing the natives to grow certain crops or in serving farming and other interests, and it is an open secret that often the Government officials had to abandon their zeal in favour of going slowly to prevent shortage of labour supply. In view of that, to state that now, without delay, this policy should be pursued will give a wrong impression of what has happened so far, and therefore I say that the word "energetically" should be substituted, which should mean that now the non-official community desires that something more than has already been done so far by the Government and its officials should be done.

As regards the second amendment; the deletion of the word "Europeans" and the substitution of "communities directly represented on this Council," my reasons are that as it stands it is inconsistent with the constitution of this Council. This Council on the non-official side represents directly Europeans, Indians and Arabs, and to say that only one particular section should be consulted in the formulation of this policy is in my submission absolutely inconsistent with the constitution of this Council and the government of this country generally. I know that it is a wrong habit of thinking with some unofficial Europeans, and I am surprised that my hon. friend the hon. Member for the Coast also has followed that habit of thinking in terms of solidarity of Europeans, including, I suppose, the Central European people. They lay stress when it suits them on the European solidarity and on other occasions they lay stress on the solidarity of the Empire, including the non-white races. I think it is a wrong way of considering the question. We must make up our minds whether we are going to lay stress at the time on the solidarity of the Empire and not, as some of the unofficial members always persist in doing, the solidarity of the European peoples. I do not know whether my friend the hon. Member for the Coast will enlighten me as to whether he includes in non-official

[Mr. Patel]

Europeans the Italian prisoners of war and German internees of this country or not. As far as the Indian community is concerned it has always expressed itself in favour of a progressive policy for the welfare of the Africans. I may remind this Council that since 1927, when the Hilton Young Commission came to this country to inquire about the constitutional problems, the Indian community has always maintained and stressed that the Africans should be represented directly in this Council by their own representatives. They do not take the half-way-house measures suggested by the hon. Member for the Coast. In other matters also the Indian community have always maintained that they would like to see that the welfare of the African is given due consideration and that their interests are pushed forward. For these reasons I beg to move this amendment.

MR. ISHER DASS seconded.

MR. LACEY: Your Excellency, I find it very difficult to accept the motion as moved by the hon. Member for the Coast. When I was discussing this matter the other day with my hon. friend the Director of Veterinary Services he pointed out to me that it was very similar to that leading question which is sometimes put: "Have you stopped beating your wife?" Whether you say "yes" or "no" you are obviously in the wrong! I would like to deal with some of the points he has raised.

MR. MONTGOMERY: On a point of order, are we speaking to the amendment?

HIS EXCELLENCY: We are speaking to the amendment. I take it the hon. member is indicating why he preferred the amendment to the original motion.

MR. LACEY: I beg Council's pardon. I should have said I was speaking in favour of the amendment. Dealing, however, with some of the remarks that were made by the hon. mover of the original motion, as I have already pointed out I personally find myself in a difficult position because if I tried to point out that in educational matters Government is pursuing an energetic policy I should be told I was being smug, if I did not,

I should be failing in my duty. In the first place I would point out that it has certainly not been my practice or endeavour to surround myself with yes-men or yes-women. This is evidenced by the fact that the hon. Member for the Coast sits on three of my advisory councils on education and other hon. members on his side of Council are on advisory councils or school committees. It is for that reason in particular that I cannot accept the second part of this motion, because in education at all events the policy of Government is very largely directed by various committees and councils in which the unofficials happen to be very largely in the majority. On the African side of education we have district educational boards in which Government officials are certainly in a minority. These district education boards, whose main duties and functions—and they are very wide—are to deal with elementary education, are comprised of the district commissioner as chairman, and the only other Government officials are the inspector of schools who is the secretary, the agricultural officer and the medical officer. There is adequate representation of missionary interests and there may be up to six members nominated by or representing the local native councils, and I can assure Council that in African elementary education these district education boards are playing an increasingly important part. As regards African education after the elementary stage, we have not yet reached the position in which there are provincial councils, but the Advisory Council on African Education, as I say, does review very closely all suggestions which may be put forward to it.

I must say that I cannot accept the view that proposals for advancement in education, or in any other Government activity, must necessarily come from unofficial sources. I consider that in matters of education I myself should naturally be the first to propose advancements or alterations or amendments, but I think it can be said very fairly that any suggestion as to alterations in policy or extensions of educational facilities for Africans, no less than for the children of other races, is given most serious consideration by Government. In dealing

[Mr. Lacey] with education the hon. mover ranged over a very wide field, touching briefly on elementary education and the education of the masses in literacy, passing on to primary schools and teacher-training institutions, secondary schools and so on to Makerere. In these matters, Government has a policy; it has a development programme, though it may not be possible immediately to implement that programme, and it has been laid in front of the Advisory Council on African Education and with certain minor amendments has been accepted by that body, on which, as I have already stated, there is a very great unofficial majority. I maintain that that programme is being pressed forward as far as one can possibly do it.

I think it is true that in education, although naturally we have been handicapped by the war, we have definitely not stood still. Everything that is humanly possible has been done since the war broke out to see that this war does not interfere with education. We have looked to the rising generation as the only source of our man power and woman power, and for that reason, if for no other, we cannot afford to neglect their education. We have been going ahead as fast as we can, but in spite of a more rapid spread of elementary education I must sound one warning note, and in doing this I am not being original. I should like to read from a memorandum on the Education of the Africans published in 1935 which was drawn up by the Advisory Committee on Education in the Colonies. I should like to read the following . . .

LORD FRANCIS SCOTT: Your Excellency, on a point of order, I have not heard one word from the hon. member opposite with regard to the amendment, which is the motion before the Council.

MR. LACEY: Sir, I was trying to indicate that Government is in fact putting into effect a policy which was advocated by the amendment, which was that Government should energetically pursue a policy, and further that non-officials are being associated most closely in the formulation of that policy. I am speaking in favour of the amendment.

HIS EXCELLENCY: If I may interrupt for a moment to reply to the point of order, as I see the position it would be possible to deal specifically and briefly with the proposed amendment, but that would in many ways not result in a full explanation of the reasons for preferring the amendment to the wording of the original motion. It is possible, on the other hand, to proceed, as the hon. Director of Education is proceeding, by giving a fairly full explanation of why he prefers the amendment to the original motion. I appreciate the noble lord's point, but I think that it would be more satisfactory in the end to allow a fairly full explanation of why hon. members prefer the amendment to the original motion, if they do prefer it in any particular case.

MR. LACEY: I propose to read a brief extract from this memorandum:— "There is obviously an intimate connexion between educational policy and the economic development of a territory. Educational policy must be planned with reference to the kind of life which the pupils may be expected to lead when they leave school. The educator, whether official or missionary, needs to have as clear an idea as possible of the probable economic future of the people he is trying to educate. Educational programmes on the other hand are limited in large measure, though not wholly, by the capacity of the people to provide their cost. Injustice may be done to the peoples of Africa by introducing educational improvements and refinements in accordance with Western standards which make excessive demands on the limited resources of a territory and by creating an educational superstructure which African communities at the present stage of their development are unable to bear. The improvement of economic conditions may have to precede the extension of educational facilities as a means of providing the indispensable foundation for the latter." I think all hon. members will recognise the wisdom of that policy and that is largely the policy which is being carried out here.

The hon. Member for Kiambu mentioned the difficulty which might sometimes arise in regard to cooperation

[Mr. Lacey] between various Government departments, and I can assure her that in matters of education I am constantly in consultation with the Director of Medical Services, the Director of Agriculture, the Director of Veterinary Services and so forth. There is one point—and I trust here again I may be allowed the latitude which Your Excellency indicated just now—I was a bit horrified at the suggestion of the hon. Member for Kiambu that we should rely on the bright young things from the universities in England to make a bright new world in East Africa. I do not know quite how a young man straight from the university in England, who has had little experience except that which he has obtained from books, could be expected to come out here and by some sort of super-insight dictate to some of us who, although we may be getting on I do not think are necessarily senile, and I consider that that is rather a dangerous suggestion. I should have thought that as long as we are prepared to stand down when our turn comes, and as long as we get into our councils the best brains that we have in the country, we should probably do better than if we tried to import some of these bright young things from England. I must say that in the higher realms of education the Government is definitely following an energetic policy. It may interest hon. members of this Council to know that in the last report of Makerere Council for the year 1941 the Principal stated that our schools in Kenya were setting a standard for entrants to Makerere. The reason for that is that we have not sent on to Makerere all the students who passed the Makerere entrance examination because we were not satisfied that they were really fit to go on to a university education. It is also true that the student who passed out first from the medical school and won the gold medal was a Kenya student. I can assure Council that from the elementary education standard up to the highest standards of education an energetic policy is being pursued.

There is one matter which I should like to mention in this Council and that is, I had a rather difficult problem placed before me in regard to the question of

schools in relation to the war. Hon. members may be interested to know that enrolment in Government primary schools during the war has dropped by nearly 20 per cent to 25 per cent because of the large numbers of boys who have left to join voluntarily in the Forces. I think it says a great deal for education in this country, both technical and literary, that the military have been so extremely anxious to get every boy they can from our schools, and I think that if there was ever any doubt as to the suitability of our educational policy, that must have been dispelled by the experience of this war. The large number of artisans and skilled workmen of all classes who trained in our schools and who are proving of so much use to the military now shows exactly how far, and how effectively, our educational system is working.

DR. WILSON: Your Excellency, speaking to the amendment, of which I am in favour, it would be interesting to know the reaction of the hon. mover of the original motion, whether he has accepted it or not. If we can get the amendment out of the way we can get on with a clear cut discussion on the original motion.

MR. COOKE: I am prepared to accept the amendment, because otherwise I am afraid the debate would be wound up at once and the discussion cease. At any rate, I am prepared to accept the motion.

HIS EXCELLENCY: The question before Council now is the original motion proposed by the hon. Member for the Coast as amended in the form suggested by the hon. member Mr. Patel. The debate on that is now resumed.

MR. MONTGOMERY: Your Excellency, I only propose to refer to the first part of the hon. member's speech. If he refers to Hansard, he will see that in the speech I made three or four months ago when the omnibus motion on Kenya's war effort was debated, I said that the present method of securing representation for Africans on this Council was not entirely satisfactory. He says that owing to the war it is quite impossible to travel about as much as one should do. All I want to say is that as far as

[Mr. Montgomery]

I know there is not the slightest objection to local native councils or for other forms of progressive councils to put up names of people whom they would like to be appointed by Your Excellency when a new Legislative Council is constituted. That is the only part of the speech of the hon. member to which I wish to refer.

MR. FAZAN: Your Excellency, if one studies the wording of the motion one may detect in it a suggestion that Government is not proceeding with sufficient speed or sufficient foresight in its policy of native progress, but in listening to the actual speeches of the hon. mover and seconder of the motion I was unable to detect in what they said any desire to blame Government but rather a desire to help by constructive suggestions as to how the native policy might be improved. They did not suggest that we were not doing fairly well but had suggestions to make which might help us to do still better. Therefore, whatever one may think of the actual words of the motion, there is no difficulty in praising the spirit behind it, which is one of urging us all, officials and unofficials, to put any constructive suggestions we may have into the common pool of wisdom, and if this debate is to achieve anything the best we can expect of it is that from these suggestions will ultimately come, when Government has had time to think them out, some improvements in various directions.

I know nothing more exasperating to the proposer of a motion than to feel the Administration should remain dumb, and for that reason I have got up now. We who are not charged with forming policy but are charged with the carrying of it out in the field, in the course of doing so naturally get to know more of the native at first hand than some others who have not the same opportunity. I think, if I may say so, that there is perhaps a little tendency to confuse policy and programme. If one is in a country and does not know what the policy is and is anxious to find out, the first thing one goes to is its Hansard and its budget to see what laws the country has passed and why, the arguments used in favour of them and the amount of

money apportioned to this or that service and community. In the formation of our laws and our budget unofficials have a very great say, and the motion as amended includes the whole of the non-officials among those who ought to have a share in framing a policy; they already have a very large share. I am not saying that as suggesting that it should not have been larger, but already it is very large. So that it might not be thought that the whole policy is framed from the top, it does occur that in the working out of ordinances in the field occasionally improvements suggest themselves to even native councils, or sometimes arise from another quarter, from a European area, or from newspapers, or from district commissioners and provincial commissioners meetings, and eventually these things are brought to the notice of Government and again come to this Council, and an ordinance is amended or a supplementary vote is passed. So much for the framing of the policy.

When we come to the programme, it is carried out by the field Administration, the field workers of all departments, under the general supervision of Executive Council on which there are unofficial members, and the advice of boards such as the hon. Director of Education has just cited, the Advisory Board on African Education; then there is the Lands Trust Board, which has a European member, and there are various other boards, such as the Native Welfare Committee on which the hon. mover has suggested that non-officials should be included. That is not the first time that that suggestion has been made, and I have heard it suggested that not only Europeans or Indians should be included but also that natives should be included. I have not heard that Government has actually pronounced on that particular point, but it has never at all events been ruled out of consideration, and I venture to express the hope, a purely personal one, that Government will not rule out that consideration, and that a decision will be reached.

I have no more to say on the machinery of the policy or programme—that is the way policy and programme are made. What is the second point in

[Mr. Fazan]

the motion is not only how the machinery is working but that there should be a record today of what Government has done and of the improvements we can see in sight for the future. I am in the same position as the hon. Director of Education, that we do not wish to stand up and say "We have done remarkably well," but we can point to our record, all of us, and luckily we do not have to say what we ourselves have done but what the natives have done, and they have in fact in this war produced remarkable manpower, not only for the army but for industries, and although there have been complaints sometimes that they are not as energetic as they might be when they get on a job they go pretty willingly and, at any rate from some quarters, good reports have come in about their achievements. From my own province of Nyanza there are some 102,000 in industry, and a very large number in the army as well; production in the native reserves has not gone down, but we are afraid it would if we went much further. We can keep in being what we have already and probably provide some more. Up to date we have kept up production and increased it, and have every intention of still increasing it and getting it better balanced with the crops wanted. I have no fear of any examination of our record in that respect.

When it comes to the word in the motion "farseeing" that is, of course, a very difficult thing in a war. The first thing, of course is to win the war. We do not know in what stage of exhaustion we may be when we have won it or whether we shall be able to apply immediately a programme of development thought out in advance. I venture to suggest that the best thing to do during the war is to learn the lessons of the war and to apply them in a new form when peace comes. I will say that almost the first lesson learnt at the beginning of the war was not that we had not enough natives though perhaps we are beginning to feel it now, but at the time we had a lot of natives who were unskilled, and the first thing was to get them more skilled by training, to train them for the army and for civil work during the war. The second thing

following very closely on that was that we could not train if we had not the men to train them, and the need of more Europeans to train those men has been particularly brought to our notice during the war. We want European and other communities in their proper place as leaders, administrative leaders and leaders of thought, and the Asiatic community to a large extent as economic leaders in certain branches of trade to which the natives are admirably suited, petty traders, marketers and so on. Those are the first two things to learn from the war.

The third, I would say, lesson we are learning and to which the hon. Director of Education alluded, is that of the Native Industrial Training Depot. The military took it over and have called it the Native Artificers Training Depot, but have extended it, and the more they extend it the more welcome that action should be. They are teaching our natives many things, and I wish it could be still more, so that when peace comes again we shall have fairly useful assistants to engineers, or artificers, telegraphists, telephonists, and many kinds of semi-skilled mechanics. That is, I think, a very great thing, and that depot must not be allowed to die. Another point, I think is the use of depots. It may be, perhaps, a bee in my bonnet, but I think that when we get recruits for the army or for civil work and they can have a few days before going forward to get the worms out of them and get them into a frame of mind so that they know what to do, I believe that is well worth a few days in a depot. When the end of the war comes and it comes to demobilisation, I believe these depots will prove their worth in getting these people out of the army, so that when they come through they may have some contribution to make towards the solution of the unemployment problem. In them it can be elicited what they are fit for and so on.

Those are direct lessons. Then, I think, comes a more general one, that after the war there is apprehension that the machinery stops suddenly and we do not know what to do with our returned natives. It will be no new problem to this country, but it is everywhere. We had some experience of it after the last

[Mr. Fazan]  
war, but on the whole the results were not so bad as we expected, and there are grounds to hope that may also be true now. A number of our natives will have seen undesirable things in the countries to which they have gone, but they will have learnt that the white man is fit to lead them, while they have also come well out of the ordeal and learnt respect for him. I believe that will outlast all other things, and that the one great benefit we shall gain from the war is that we shall have been welded into one country. At the end of the war the development of industries will certainly take place. We cannot be only a raw material producing country but also a country in which the material is used. We must have an eye to our needs, which will enable us to absorb the natives who have learnt trades in the army. They will demand higher wages, and if employed in industry under skilled supervision they may be worth those higher wages. The hon. member alluded, and so did the seconder to the motion, to the native land question. That hinges on what I said, that you cannot really have a good, reasonable system of land tenure unless you have secondary industries. The emergence of private tenure brings problems and special conditions, such as fragmentation and subdivision, a piece of land once cleared soon becomes congested with relatives and dependants so that you do not know what to do with them—they create a landless class and the last state is worse than the first. We must proceed towards private land tenure in the reserves only at the same pace as towards industrialization outside. As that goes along, we can get to a better internal land economy. I agree that we must not hurry towards it, but do not think that we can set it aside and leave it alone until we are prepared to tackle the problem. A land problem does not stay put but wants watching all the time, and here and there rules have had to be introduced. I will not bore Council with mounting my hobby horse and saying what should be done, but the situation wants watching, and I am sure His Excellency the Governor will make due provision for watching that very difficult problem.

MR. KASIM: Your Excellency, I rise to support the motion before Council.

LORD FRANCIS SCOTT: Sir, on a point of order, has the amendment been dealt with, or are we discussing the original motion with verbal alterations?

HIS EXCELLENCY: That is the position. I am afraid that I did not put the amendment formally to Council in view of the acquiescence on this side of Council, and knowing the views on the other side I assumed that the amendment was approved. I regret my lack of formality on this occasion.

MR. KASIM: Your Excellency, I support the motion as amended which represents the views I have held for the last 25 years. I am glad that the European community has realised that more native production in the native reserves is in the interest of the country as a whole. The motion reminds me of my early days in Kenya. Thirty years ago the late Mr. Davies, then district commissioner at Mumias, wanted to encourage selling ploughs to African agriculturists under a Government scheme. There was much opposition from the Muhoroni farmers and other settlers throughout the country on the ground that if Africans were encouraged they would not get labour to work on their farms. As a result the district commissioner did not proceed with his scheme, and for 20 years native growers were not allowed to use ploughs. But in spite of this strong opposition from the settlers I must say that Mr. Ainsworth, then Provincial Commissioner, encouraged the growing of simsim; then Mr. Montgomery, now representing native interests in this Council, encouraged cotton and ghee production, and the hon. Member Mr. Fazan has encouraged the growing of wattle, groundnuts, and maize and wheat on a large scale. Your Excellency is aware that the Indian community has been advocating production on a very big scale in the native reserves for several years past. I support the amendment.

LORD FRANCIS SCOTT: On a point of order, sir, I wish to protest against the amendment to the motion not being put to Council, as we have not had an opportunity of refusing to allow the hon. mover to agree to the amendment.

HIS EXCELLENCY: You wish to protest against the amendment not being put?

LORD FRANCIS SCOTT: Yes.

HIS EXCELLENCY: I appreciate the point, but the original motion as amended is now before Council. As I explained, I assumed acquiescence in the acceptance of the amendment in view of the strong opinion on this side of Council, but if hon. members wish to go back I am quite prepared. I will take the advice of the hon. and learned Attorney General on the point. I think it is rather late in the day to go back, and my lack of formality I am afraid will have to be accepted.

MR. HARRAGIN: On a point of order Your Excellency asked what should have happened, and my answer is that the amendment should have been formally put. But in view of the fact that the hon. mover accepted the amendment and hon. members on this side of Council had also indicated that Government accepted the amendment, I am the first to admit that it was a mere formality which was omitted and nothing more.

MR. COOKE: May I say that I understood the unofficial members had accepted the amendment?

HIS EXCELLENCY: I am afraid it is my fault entirely, and I apologise for my lack of formality. The debate on the original motion as amended is now resumed.

MR. NICOL: That becomes the substantive motion?

HIS EXCELLENCY: Yes.

MR. NICOL: Your Excellency, I was rather sorry that by the amendment the words "without delay" were removed from the motion, because now it merely calls for "an energetic and progressive and farseeing policy," but it does not say anything about getting on with it at once. I am quite sure that that was probably one of the reasons why Government were willing to accept the amendment, so that they could file it in another pigeon-hole and go and forget about it after we leave here. In order to perform an energetic policy funds will definitely be required, and it all goes back to the question of the development loans which I have asked for time and

time again, and it goes further. We must concentrate on the question of making the native sound in mind and limb before trying to fill him up with academic knowledge, and I think the hon. Director of Medical Services will recall a conversation with me in 1938 on the subject of the elimination of debilitating disease, when he indicated that in order to achieve that object it would cost—and I do not know whether he still agrees with that—somewhere round about two million pounds. I think my hon. friend is in agreement. Of course, all this would take a long time to do, but at the same time it is very necessary, and we have got to make up our minds today to get down to do it the right way. I do not agree with the hon. Member Mr. Patel when he said that the unofficials of the colony did not or had not paid much attention to natives and native welfare. I disagree with him entirely, and I am afraid the views he expressed are shared in certain quarters in the Colonial Office, and of course this is entirely wrong, because not only the settlers but other unofficial employers of labour realise that labour has got to be well looked after if they are to get the best out of them. I think the settlers and employers of labour in this country do look after their labour well and properly and, I submit, in many cases far better than Government do.

Coming back to the question of delay, of getting on with this policy without delay, I should like an assurance from some hon. member on the other side that Government will not just go and pigeon-hole this matter but really get down to it and make this a live question. Another thing I think is very necessary in regard to native policy is that there must be some better provision for native welfare in towns. At the present moment there is a very grave tendency towards disobedience and insolence abroad, particularly in Mombasa, and I understand that the same thing applies here. With this welfare question and with this native development policy must also go a policy of disciplining the native. He has got to be taught how to be a respectable citizen, and I should like to submit that in the towns where we are having trouble with the natives through insolence the magistrates should be instructed to give more



[Mr. Nicol]

deterrent sentences *pour encourager les autres*. There should also be a greater effort on the part of Government and the official side to find jobs in offices for Africans who have achieved a certain standard of education. At the present moment they reach a certain stage and apply for jobs for which they are really not up to the clerical standard at the present moment, the majority of them. I have had one or two good Africans in my offices, and I do not know whether the schools really get down to educating them properly for office jobs and what steps are taken to find them jobs afterwards. But we have got to do it, otherwise an African with a half-baked education becomes a perfect menace if let loose in the world without employment.

The hon. member Mr. Fazan made a plea for the Administrative leaders. I should like to echo that plea. The whole trouble, as far as I see it, is that the district commissioners and provincial commissioners are too scared of getting a kick from the Secretariat if they do anything without first phoning up, thus throwing a lot of extra work on a very hardworking body of people at the present moment. I should like to see provincial commissioners and district commissioners given more authority and told to get out more into the districts and not sit down with this paper shortage on having to reply to a whole lot of queries emanating from the Secretariat, who will be pressed for similar answers from London. We have got to handle our own native policy here, and our own people here are more qualified to deal with it than people sitting several thousands of miles away in Whitehall. Another important point connected with this particular policy right now is, in my opinion, our duty to the African soldier who is away on service, so that when he comes back from his service he is going to receive some immediate benefit by this developmental policy and not only have healthier reserves, I hope, but also a well planned developmental policy.

LORD FRANCIS SCOTT: Sir, I think everyone must be in agreement with the general intention of this motion, however it happens to be worded. Where people

may have different ideas is the way in which it should be put into effect. It seems to me that this is one of the most important and probably most difficult problems which we have to deal with in this country, and I am quite sure that the lines we have got to work on are to see that whatever is done is done from the practical point of view and not the theoretical point of view (hear, hear). We have got to see that the policy followed is for the benefit of the native; not only for the benefit of the native but for the benefit of the country. And do not let us confuse the practical with the political. My hon. friend on my left (Mr. Nicol) used the words which I was going to use, and that is that the aim of especially the educational side should be to make the native a good citizen. Everything should be directed to making him a good citizen, and to be a good citizen he has got to be instilled with the elementary attributes of truth, honesty, and an understanding of what is known as the dignity of labour (hear, hear).

I expect some hon. members here will remember a visit some years ago from a very distinguished African, the finest type of educated negro from the United States of America. I refer to Dr. Aggrey. What were the words he always used when referring to the education of the African? He would hold out his hands and say "Teach them to use their hands". He always reiterated that, and he was a negro himself whose life was devoted to the interests of other African natives, and that, sir, we have got to bear in mind. A reference was made, I think by the hon. member, to the lack of education holding up the development of agriculture in India. Anybody who knows India will know that a great disservice was done to the Indians by education going on the wrong lines, not being directed to teaching them to use their hands and improve agriculture and so on, but teaching them all to become clerks and office people; with the result that many of the Indians became well educated for that sort of the work and then could not obtain employment because there were not the jobs for them, and consequently they became dissatisfied and a great deal of trouble was caused. I believe that is now realized in

[Lord Francis Scott]

Africa and I believe the policy of Makerere is to avoid making that similar mistake. I trust that is so and I believe it is. Reference has been made to lack of discipline. That is a point which is heard from very many sources and the way to get discipline amongst them is to make them realize their duties as citizens and not only their privileges; that a good citizen owes a great deal to the country in which he lives is a point which should be instilled in every way possible.

When one comes to the medical side there is undoubtedly a tremendous lot which may be done and it is our duty to do it as far as is possible within the finance which may be provided. I take it that the best service we can do on the medical side is to try and get rid of these mass diseases, if I may call them that, rather than just the individual treatment of people: these various worm diseases, yaws and such things, and by doing that you do help the native to become a better citizen. On this subject of the Medical Department I would like to remind my hon. friend the Director of that old French proverb that "the best is the enemy of the good", and I am thinking of this particularly in reference to housing. Various forms of proposed houses have been produced by that Department, and when you go into them they defeat their own object because people cannot afford to put them up. I do submit that instead of trying to aim for an ideal house right away, plans should be produced for an improved house which is within the economic capacity of people to afford, and so gradually to teach the natives to appreciate better housing. Most people know that if you do try to build better houses they very often do not appreciate it at all; they stuff up the windows and do not like any of the modern hygienic ideas.

When it comes to production of crops, nothing should be allowed in the way of production which is not directed towards the preservation of the soil. I know Europeans destroy the soil also, but we are not dealing with that at this moment, and in connexion with a policy for agricultural production let us have that main objective in view, the preservation

of the soil, because unless that is done everything must go down hill and go from bad to worse. More than one member has referred to the necessity of secondary industries and I do trust that we are now starting during this war to think out secondary industries, and I trust that we shall not be prevented, as we were in the past, by the Colonial Office from advancing on those lines. (Hear, hear.) I agree with the hon. Member for Kiambu that to get this policy of this development and welfare on the right lines that the present committee—I do not know its right appellation—development and welfare—should be strengthened by a few unofficials and made into a stronger body which the unofficial community of the country can take their part in and help on these lines.

To come to the political side, I feel that what we want to do is to develop from what we have already got in the Local Native Councils. I feel that we should give the native more powers and more control over their local finances and so on; it may mean a certain amount of money getting lost, but they should not be quite so much led by the district commissioners as they have been in the past. I also feel that the time has come when we might well have some central council for native areas, in the same way as there is a council now for rural areas on the European side, and if you got the best natives from various parts of the country on to such a council they would be a very good body who could give their views to Government as to who would be the best people to represent them on Legislative Council. I am not going into the question of whether they should be missionaries or not, or whether the present representatives are the best possible, or what the numbers should be, but I do feel that if some representatives of the natives on such a council were there, they could give their advice to Government and let Government know the sort of people who would be acceptable to them. I do feel very strongly that it is our duty as friends to the natives to postpone as long as we possibly can their entry into the main turmoil of politics as it is generally understood. Let them have more interests and feel that they have got a better say and more weight in

[Lord Francis Scott] their own affairs; encourage that as much as possible, but try and keep them out of the central arena of politics. Most of the troubles of the world come from such politics, even the unpreparedness for this war, when you get a British Prime Minister saying he had to deceive the public, otherwise he would have lost the election! So I do hope that, as friends of the natives, we will keep them out of such things as the main centre of politics as long as possible. With regard to the suggestion which was put up that we should use young men fresh from the universities, I agree with my hon. friend the Director of Education, by all means use young men fresh from the universities after they have been long enough in the country to forget all the theories they learned there and have learned the practical side in Africa. (Hear, hear.)

With these few remarks, I beg to support the motion.

COL. GHERNE: Your Excellency, in supporting the motion as amended I realize that a committee has been formed for the purpose of formulating schemes for the employment of soldiers on demobilization. In that connexion I am sure you will agree that the average native, due to the experience gained as a result of the war, will have an entirely different outlook on life from that which he held at the commencement of hostilities. As the hon. mover mentioned early in this debate, some of them have visited other territories, generally speaking their pay has been higher and numbers of them have been instructed in various vocations, and it is doubtful whether they will be content to come back to normal pre-war occupations. As you are aware, sir, a number of them have received a very extensive training in such units as the Medical Supply and Transport, Signals and Engineers, and it is to be hoped that provision will be made whereby that training can be made full use of at the end of hostilities. It is presumed that the present extension of the N.I.T.D. will be continued and that every encouragement will be given to secondary industries in order to absorb the personnel I refer to, but, sir, it might be suggested that those channels will be totally inadequate to absorb the number that will be available

and it will be interesting if in the course of this debate such hon. members as the General Manager of the Railways, Medical Services and Public Works Department and the Postmaster General gave some indication of Government's attitude as to how they intend to absorb these people and solve this problem at the end of hostilities.

MR. BLUNT: Your Excellency, little has been said so far with regard to an agricultural policy, but I feel that the implication in the motion calls for some statement from me of what has been the endeavour of my Department in the past and what we hope to do in the future in regard to an agricultural policy for the natives.

In my annual report for 1939 I stated what I conceived to be the departmental agricultural policy both in regard to European and native areas, but unfortunately that report was not published, and I do not think that that policy which I then put forward and which Government accepted is very widely known. I should like, therefore, if I may, to make one or two quotations from it. "Agriculture is the base and foundation of the whole existence of the native living within his reserve. Without prosperous agriculture, which may result in a reasonable standard of living, he cannot advance above a very low level in health, education or general welfare and an adequate and effective system of agriculture is therefore of importance, second only to the preservation of law and order, for his welfare". It is not many years since there was a more or less constant threat, a very real one, of famine conditions arising in one native area or the other, and at that time I believe that the proper agricultural policy to adopt is that contained in the following extract: "A policy for native agriculture in the present stage of the development of the native must make provision for the following matters in the order given: (a) a sufficiency of food to maintain life, (b) maintenance of fertility to enable an agricultural life to continue on a non-diminishing scale, and to provide the essential constant factor for improvement, (c) adequate nutrition to ensure a healthy and energetic population, (d) the production of a proportion

[Mr. Blunt] of products which are saleable to enable him to make money for his small needs".

Perhaps I may be allowed to mention some of the results of the pursuance of a policy of that kind in the past. Take some of the main crops which are now produced in the native areas. Cotton—Before 1930 cotton production in this country was negligible. It rose to a maximum of 23,000 bales in 1937, and is now averaging well over 15,000 bales a year. Wattle bark—Wattle was first planted by natives in 1923, and the first bark was sold in 1928. From 933 tons sold in 1929 we have got to 18,000 tons a year in 1941, valued at about £60,000. The maize position is well known. There was little native maize on the market years ago, but last year the surplus, after providing for the needs of the natives in the reserves, was about 700,000 bags, and this year we are expecting that figure to be a million bags, or more. Potatoes—Again we have an increase from 1924, when the tonnage amounted to 1,800, to 8,000 tons for export, besides local food supplies to the European population just before the war. Beans and vegetables and other commodities, of which production has been increased enormously in the reserves in the past few years, and to a large extent this production has been made possible by the policy adopted by my Department in the past of the selection of high-yielding satisfactory varieties and the institution of a grading and inspection service which has resulted in our export surplus of native produce being second to none in East Africa in quality. The question of cash crops and the extent to which they should be encouraged is one which has frequently been debated, and I think it must be determined from a consideration of how it affects people and their land. So long as fertility can be maintained and the land is not allowed to deteriorate for permanent production purposes, the production of cash crops it seems to me should be fostered.

The total cash income now derived by natives from cash crops or surplus food crops they produce is very large, but it carries with it the seeds of considerable danger, to which I have referred in this Council on some occasions previously. I am alarmed at the effect that excessive

cash crop production of such commodities as maize may have on the fertility of the reserves. We have seen this effect already in some parts, and there are indications that a similar effect may come in in our most highly productive native areas. Steps have already been taken to try and stop the damage that has been caused by this excessive production of cash-crops, and to give only one or two examples I will quote from the annual report of the Central Province for 1941 to show some of the things that were done there during that year. Over 24,000 individual holdings were terraced, over 5,000 individual holdings were covered with live wash stops, dams were constructed with a capacity of 5 to 10 million gallons, over 33,000 acres were temporarily closed to grazing and much of it brought under rotational grazing. Similar work has been going on in other reserves. Immediately before the war we believed we had arrived at a stage when the native was really beginning to appreciate the vital need to take steps to protect his land. I will not say that that realization was general, but it was certainly in the minds of many thinking natives in various parts of the reserves, and I believe that was the time when we could have made very considerable advance in the management of the native land units to the general benefit of the population. But, as the result of the war, we have suffered a serious setback and have had to subordinate the true interests of the native reserves to the necessary production of the maximum possible quantity of crops required to meet the present war-time demands.

I believe that by the end of the war we shall find ourselves in a position when we may consider that the early development stage of native reserves is completed and that our main task will be not to encourage greater production in the reserves but to try and bring them back to a conservative form of agriculture which is going to take proper care of the land and make it a place where the native may make a satisfactory, healthy, contented and useful population. He will have to be taught to become, and made to become, a balanced agriculturist, and his farming will have to be developed on sound, conservative lines. I believe that

[Mr. Blunt]

that work must be taken in hand as soon as possible after the war and it must be urgently pressed for, and that if we do not undertake it then and work it out with all possible effort the result may be disastrous. As you are aware, sir, plans have been made for an expansion of agricultural services to deal with that position which I expect will arise, and those plans involve considerable additional expenditure amounting to something over a million pounds in the 10 years following the war. That sum is estimated purely for agricultural and soil conservation work to try to restore the position in the reserves and bring the native cultivator to a proper understanding of his job. It takes no account of the investigational work in connexion with land tenure, social welfare and other similar matters which it seems to me are necessary if we are to formulate the best possible agricultural policy and to graft it on to the existing agricultural methods in these reserves. In that work I personally feel that there is room for all the help, assistance, and advice that can be given by anybody who knows the country and the natives, and I would personally welcome all the assistance that officials are prepared to afford in that developmental work which I believe to be so essential after the war.

MR. SHAMSUD-DEEN: Your Excellency, since my colleagues have associated themselves with this motion, I feel it is my duty to express my feelings on it. I really think that we have not made very good use of the best part of this morning by taking part in this debate. I think some hon. members have described the motion as a very important one. No matter how important it may be, I do think it is most inopportune. Even supposing the whole Council will unanimously vote in favour of the motion, what is going to happen? Nothing whatsoever. It is more theoretical, or academic, whatever you like to call it, and will merely remain in the records of our debates. I know that some very important matters have been passed by this Council during the last year or two, but unless there is somebody to follow them up actively nothing actually happens. I very often admire my colleague

the hon. Member for the Coast, for ploughing lonely furrows, but this time the lonely furrow seems to have taken a random direction in all its lines. I thought that when the debate started it had perhaps something to do with production, but the only gentleman who has given something to this Council on the production side was the hon. Director of Agriculture, and I think it good luck for the Council that he did not take the opportunity of reading out the whole of the unpublished report of the Agricultural Department. I thought he was going to keep us the whole morning and perhaps part of to-morrow! The debate has turned on all sorts of things—political, racial, educational, medical, and even India has been brought into the discussion. I submit to Your Excellency that this Council ought really not to waste time in debates of this nature. I must reiterate the simile of the Empire being like a house on fire. I have never known people indulge in conversations and discussions and controversies and debates when actually a house is on fire. I know the hon. Member for Mombasa once taunted me on my patriotism, but it is not patriotism at all, as I explained. We all feel that the heat of the fire is coming nearer to us. In fact, I think we were very lucky in having escaped once being practically consumed by that fire which was so near us, and it is merely owing to the stupidity of the Italians that we are holding this Council to-day and this debate. Therefore, I think the emergency of the times requires that we must concentrate our activities and mind on one thing, and one thing only, and that is keeping the enemy out of our homes, out of this Colony, and out of all the spheres which will probably be converted—well, into anything that is most undesirable.

I never dreamt all these points would be brought in, but the hon. mover spoke about the representation of natives in this Council. I think the only justification for the native interests being represented by European members was the alleged inability of the natives themselves to be in this Council. I expected the hon. member to be pulled up by Your Excellency when he started to talk of those things, but since he was allowed to go on I am in order in commenting on them. I may

[Mr. Shamsud-Deen]

state distinctly before this Council that since the appointment of the European members to look after African interests, a great deal of change has taken place in this Colony. I do not consider myself to be an able debater, but the only occasion when I can remember being absolutely floored in argument was by a native during a debate on native education held in the Pumwani Memorial Hall. I admire that native as being the most wonderful debater I have listened to, and I think the time has really come when Government ought to reconsider the whole question as to whether there are natives in the Colony who can represent the native community or not. I do not think there will be any great difficulty in arriving at the conclusion that the time is ripe for natives to be represented by themselves. Of course, the present system of nomination is open to very grave objections. After all, an elected member, according to the British constitution, cannot be removed even by the King, whereas a nominated member, whether native, European, or Indian, can be removed by the frown of some high official expressing his disapproval, but in any case I am quite certain that the sincerity and earnestness with which a native can speak can never be done by any European member at all.

I do not pretend to know much about native interests—as a matter of fact I try to avoid discussing politics with natives—but I have quite a good idea that there was at one time great dissatisfaction in the Nyeri Province over the question of cultivation of native land. The natives were compelled to grow a particular kind of grass which was not of their cultivation. This was in connexion with the prevention of soil erosion on their land, but this particular grass which they were compelled to grow was ruinous for all other cultivation. I must say that the matter was very tactfully handled by the Provincial Commissioner and the whole thing has been rectified and taken under control without any further trouble. Recently, when I had an opportunity of passing through the Nyeri district, though I did not discuss it with anyone, I felt distinctly there was very great dissatisfaction among the natives over a certain

amount of compulsion being used to persuade them to grow vegetables at a ridiculously low price for the dried vegetable factory. I am giving this as an example that my hon. friends who represent native interests here cannot possibly know exactly what hardships are suffered by the natives themselves. To use the same argument, if a native can be represented by a European member there is no reason why the same principle should not be extended to Indians as well. I dare say that Indians are, comparatively speaking, poor in expressing themselves, and could be represented by some good European debaters to advocate our cause in better phraseology, but I am sure the latter would not be able to do it with the same seriousness, zeal and sincerity that we try to do it within this Council. We have heard the debate about maize control. I think that other members ought to be congratulated on the brief manner in which they put the native viewpoint, but while practically all the European and Indian unofficial members were united on one side a formidable machine called the steam roller of official votes was in action on the other side, and the result was that the whole time was wasted. Even this morning Your Excellency tried to tell us that something was being done in the matter of maize control, but I do not think the Council is any wiser in this respect than it was before. That was the result, the real native expression of their point of view is not before Council as to why he should be paid Sh. 4 for growing the same thing that somebody else gets Sh. 8 or Sh. 9 and Government takes half the money.

Having advocated the futility of a debate of this nature, I feel that I am probably doing the same thing by prolonging my speech, for I am quite sure that I could take up another hour of Council's time if I continued. (Laughter.) But, in the circumstances, I will content myself with associating myself with what my colleagues have said, and think the motion is a step in the right direction, but it will probably take about a quarter of a century before anything is achieved.

MR. MORTIMER: Your Excellency, the hon. Member for Uasin Gishu made reference to the committee which has

[Mr. Mortimer] been established under my chairmanship to make recommendations on the rehabilitation in civil life of military personnel on demobilization. That committee has within its purview all races taking part in the East African campaign. The problem of the African is one to which the committee has devoted some attention. In order that every point of view should be very fully considered it was deemed advisable to appoint a special *ad hoc* committee to deal particularly with the African problem. That committee has been established under the chairmanship of the hon. member Mr. Montgomery and it is a very representative and well qualified committee. Mr. Montgomery has recently found that he is unable to carry on with the chairmanship and my hon. friend the Director of Education has taken over that post. The committee is pursuing this work with energy and vision and we earnestly hope that some good result will accrue.

The particular problem which the hon. member mentioned, that of the re-absorption in civil life of the trained and half-trained Africans who will have been occupying positions to which they are entirely unaccustomed and in which they can scarcely be absorbed in sufficient numbers in civil life, is a problem that is very present to the members of that committee. I think it would be premature to indicate what Government's attitude is on this subject or what the attitude of any particular department will be on the re-absorption of Africans in civil life until that *ad hoc* committee has had an opportunity of considering all the representations made to it and of conferring with the various heads of departments concerned. I would like to say this on behalf of the chairman of that special committee, that if any hon. member feels that he or she has any constructive proposal to make on this very difficult problem, the committee will be very happy to receive such a proposal and to give it the fullest consideration.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 16th September, 1942.

#### Wednesday, 16th September, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 16th September, 1942. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

#### ADMINISTRATION OF OATH

The Oath of Allegiance was administered to Mr. K. R. Paroo, elected member for Eastern Area.

#### MINUTES

The minutes of the meeting of 15th September, 1942, were confirmed.

#### PAPER LAID

The following paper was laid on the table by the Hon. H. M. Gardner:—

Forest Department Annual Report, 1941.

#### WAR RISKS INSURANCE BILL

##### SECOND READING

MR. TESTER: Your Excellency, I beg to move that the War Risks Insurance Bill be read a second time.

The principal object of this bill as drafted was to provide for the establishment of an East African scheme for the insurance of commodities in East Africa against King's enemy risks during the present war relating to Tanganyika and Zanzibar as well as Kenya and Uganda. It was to take the place of the existing scheme which applies only to goods in Kenya and Uganda, or situated in Tanganyika and Zanzibar and owned in Kenya and Uganda. It was considered desirable when making the alteration for the East African scheme to consolidate the existing law to come into operation on the 1st October, and I will refer later on to most of the detailed alterations made in this bill as compared with the existing ordinance. Since the bill was drafted, Zanzibar has withdrawn from the scheme, which will necessitate a number of alterations and consequential amendments which I will move in the committee stage, copies of which have been circulated to hon. members. The bill is, like the existing scheme, a piece of

[Mr. Tester] legislation really to enable the proposed East African War Risks Insurance Board to take executive action. His Majesty's Government in the United Kingdom have guaranteed this East African scheme in exactly the same way as they guaranteed the existing scheme. It is proposed that the existing Kenya and Uganda fund, which amounts to about £170,000 at the end of September, should be transferred to a new account, but the identity of this £170,000 will be kept separately in the accounts as a reserve not to be drawn on in the first instance, and if any claims arise under the new scheme the new fund, the premia paid under this bill, will be used first.

I come now to the detail of the alterations in the existing legislation which are necessary to bring Tanganyika into the scheme. You will find that in clause 2, the definition of "East African Territories" is inserted; that is to avoid the awkwardness of repeating "the Colony and Protectorate of Kenya, the Tanganyika Territory, and the Uganda Protectorate" a number of times, and the phrase is used in clauses 3, 4, 5, 6, 7, 11 and 16. Clause 3 will provide when the reference to Zanzibar has been deleted that the War Risks Insurance Board should consist of eight members instead of six as hitherto, the additions being necessary to give Tanganyika equal representation with Uganda and Kenya. In clause 4 (3) there is now provision for different rates of premia which may be prescribed in relation to different localities; that is because it is possible that Tanganyika coming new into the scheme will be called on to pay a higher rate than is paid in Kenya and Uganda. You will remember that in Kenya and Uganda our initial rate was Sh. 7/50 per £100 and is now Sh. 2, and I understand that in Tanganyika it will be Sh. 7/50.

Clause 7 (1) differs from the corresponding section of the existing ordinance only insofar as the second sub-paragraph has been re-worded for the sake of clarity and for application to Tanganyika as well as Kenya and Uganda. I propose to move in the committee stage an amendment to cover inter-territorial movements also, that is from Tanga to Mombasa (as drafted, it only covers movements

within the territories), and also to provide for the voluntary insurance of Kenya and Uganda goods in Zanzibar as at present and Tanganyika goods in Zanzibar in future. Clause 18 provides for the repeal of the existing ordinance, but provision is made that orders, rules and so on under the existing legislation will be effective until action is specifically taken under the new legislation, and for the automatic transfer to the new board of all the property vested in the existing board and to the new fund of all moneys standing to the credit of the existing fund which I mentioned was about £170,000. The schedule to the bill is unaltered, except for items 42 and 43, Tanganyika coffee being included as Kenya and Uganda coffees are.

In this bill there are four points which are really not directly related to the alteration of the scheme from the Kenya and Uganda scheme to the East African scheme. Firstly, in clause 2 "King's enemy risks" have been altered in order to conform with the definition of "King's enemy risks" in the United Kingdom, and the change is necessary in view of the guarantee to the scheme accorded by His Majesty's Government. Another small alteration is the deletion of section 5 (2) of the present law, which is not repeated in this enactment. Hon. members will know that under that section 5 (2) there was provision that if necessary funds could be provided from the revenues of the Colony should claims be made to a greater extent than the fund. This section became redundant when His Majesty's Government guaranteed the scheme, and there is obviously no point in repeating it. Clause 9 (2) is new. That provides that where goods are situated in Kenya and Uganda and have been voluntarily insured, they shall be deemed to be compulsorily insurable as long as the ownership does not change. At present that applies only to goods situated in Tanganyika and Zanzibar when owned in Kenya and Uganda, and it is obviously logical it should apply to voluntarily insured goods in Kenya and Uganda. Finally, clause 13 (1) has been strengthened. Provision has been made to enable any person authorized by the board to call for certain information in writing or otherwise which may reason-

(Mr. Tester)

ably be required. Hitherto, the power to call for such information was restricted to any person authorized by the board to enter and examine premises, so in fact unless the board or its agent actually went on *safari* and entered places nothing was done. Obviously, it is to the advantage of everyone that information can be called for and to give it.

MR. HARRAGIN seconded.

MR. NICOL: Your Excellency, first of all I should like to say that I think it deplorable that Zanzibar has not come into this scheme. At the last session, when we were discussing some amendments to the existing ordinance, I did suggest then that if Tanganyika and Zanzibar came in there should be a differentiation in the initial stages of their participation to make up for the large premia paid by Kenya firms originally, and I am glad to see provision made on this point in this bill. I understand from Zanzibar that it was their intention to introduce the same figure as we originally paid here, Sh. 7/50 per cent, and I presume that is the actual figure to be introduced in Tanganyika. There is one point we are a bit worried about, and that is Kenya firms with branches in Tanganyika had to insure goods lying with such branches. There was no question of it being voluntary, we had to insure. I trust that this new scheme which is now extended to Tanganyika will take note or recognize the fact that Kenya firms have already borne a very high rate-of premia on goods which have been insured with their branches in Tanganyika. In other words, some consideration must be given to them as opposed to people newly participating in war risks insurance, and I hope Government will be able to give a satisfactory answer to that point. One other point I should like to have cleared up is, in view of the fact that Zanzibar has now decided they are not going to participate in this scheme, will the voluntary insurance of goods in Zanzibar held by Kenya firms still be allowed to continue? As from June this year we have been allowed to insure goods voluntarily there, and I want to make quite certain that we can continue to do so. I take it that as far as insurance is concerned the

Secretary of State is going to make it quite clear to those people who refuse to come into this excellent scheme that, if they do meet with disaster, they have to carry the baby themselves; they cannot expect to come whining round Government to give them money. I take it also that the fund will be viewed as one entity and not territorially. In other words, if there is a disaster in Tanganyika it will be only borne by the Tanganyika contributions with a possible fall back on the reserve which the hon. mover mentioned is being created. It is a territorial fund, it is not being just Uganda, Kenya and Tanganyika, a separate fund for each territory.

Turning to the bill, clause 2, definitions, under the heading of "goods". This excludes goods in the schedule, and such goods, I understand, are not even insurable on a voluntary basis. If you turn to the schedule, items 1 to 40 inclusive are insurable in the United Kingdom under war risks insurance on a voluntary basis, and I think the same privilege should be granted to East Africa. This could be done by an addition to clause 9 of the bill, to the effect that on application all goods in the schedule from 1 to 40 inclusive may be insured voluntarily. I hope Government will be able to accept that recommendation in view of the fact that it is possible to insure these goods on a voluntary basis in the United Kingdom. Perhaps if Government cannot accept it they will state their reasons. The definition of "King's enemy risks" suggests some scheme of property insurance, but of course it is not possible to insure property against war risks to-day. I should like to know whether it is intended to introduce some such war risks insurance, though personally I am not in favour of it at the moment. I do not think this is the right time to do it. Under (b) of that definition, I take it that, for example, the demolition of buildings would be action taken to improve defence measures in order to repel an attack, and I take it that goods in such buildings, if damaged or destroyed, would be deemed to be covered under this bill. I also take it that goods destroyed as a result of the implementation of a scorched earth

(Mr. Nicol)

policy would be reimbursed under the provisions of this bill. I want to get that quite clear.

In clause 2 again, the definition of "supplier of goods" includes a "person who is in possession of goods as a supplying or forwarding agent". It is wrong in principle that a forwarding agent should have to insure goods compulsorily. The goods do not belong to him, and in any case the real owner would not be relieved of the necessity to insure, which is provided for in clause 7. I should like to see some provision made there to remove the clearing and forwarding agents from the bill. It would clarify the bill, I think. Again in clause 2, as a matter of interest what exactly is envisaged in this power to purchase land? Can Government indicate what is at the back of this particular clause?

Clause 5.—I think that if the existing fund is to be wound up by 30th September the figure transferred should be published as soon after as possible. Insurers are entitled to this information. Again, the publication of the position of the fund only once a year does not strike us as being good enough, and those who contribute to the fund certainly are entitled to know something regularly of what the position is. I was going to suggest that a statement quarterly would meet the case with an audited statement once a year, but at the same time I do believe it is possible to get the figures out within a few days of the end of each month. From the point of view of fixing the premia you cannot do it on a monthly basis at all, you have got to take the long view over a period, but from the point of view of the position of the insurers they are entitled to know how much is paid in and out and also the costs of administration. They want to keep tabs on that, and a monthly or quarterly statement might meet the case. Again, section 5 of the existing ordinance, as the hon. mover said, has been cut out, because I understand the law officers of the Crown said it was redundant. We feel again that that particular section which has been cut out should be retained, possibly with the substitution of the word "may" for "shall" in the third line and the balance

of the words in the third line being also omitted. There would certainly have to be another alteration to bring in Tanganyika. There is a reason for prompting this recommendation: That is, that the omission of the section makes it obligatory on the Secretary of State to make good any deficiency, which deficiency becomes a charge on the fund, with the result that two things might happen. One is, that insurance may be ordered to be continued after hostilities have ceased, and the other is that even if the deficiency has been made good the Secretary of State will apparently have a claim to call for any moneys to the credit of the fund to the Exchequer at home. Therefore, to safeguard ourselves against anything like that happening, one or the other, we would like to see re-inserted clause 5 of the 1940 ordinance.

Clause 6 (b).—I take it that this stipulation is only operative if the Secretary of State had to put moneys into the fund to implement his guarantee. Regarding the alteration which the hon. mover is to make in clause 7, I support that, and I am very glad that that amendment is being brought in. Clause 15: I do not see why the Secretary of State should be worried with a detail of that particular nature. Surely if the board considers it is equitable to make a refund the Governors Conference here should be able to take the decision and either assent to the board's decision or turn it down without worrying the Secretary of State. Regarding clause 17, if the Secretary of State has had to contribute to the fund, there is no objection to his having a say in the disposal, but if he has not had to contribute or he has been paid in full, he cannot claim that he is entitled at all to the moneys collected. The moneys are East African in origin and remain the property of the East African public, and I think that public should have the right to say how such moneys should be disposed of through the Legislative Councils. They can probably put up a recommendation to the Governors Conference or any higher authority who may possibly be resident out here in the future. Of course, it is a very difficult thing to know what conditions will be like at the end of hostilities, but at the same time the taxpayers will be entitled to have

[Mr. Nicol]

some say in the disposal of the funds and should not be at the whim of the Secretary of State. We out here are far better able to judge how such moneys should be disposed of and, in fact, there is nothing to prevent us saying it shall be turned over as a gift or as assistance to some particular blitzed town or colony. We should like a say in the matter and not have it left to the absolute dictation of the Secretary of State. It would be a different matter if every colony had to contribute to a colony-wide fund, when the Secretary of State would no doubt have some justification in controlling the fund, but it is not applied compulsorily to all colonies, and as seen to-day Zanzibar has refused to play. I want to go back a-moment to clause 16, and the rules to be made thereunder, and I want to suggest that a new proposal form should be adopted based on the United Kingdom form. C.I.S. 29 is the number. I am afraid I have not got one here: I had hoped to bring one up but was unable to do so. But that form sets out clearly what must be insured compulsorily and voluntarily, and it would probably help everyone if that particular form were adopted here rather than the one we have at the present moment.

On arrival in the Council Chamber this morning I received a telegram from the Mombasa Chamber of Commerce stating a letter was on the way to me. It has just been handed to me. Perhaps I may be excused if I glance hurriedly through it to see if there is any particular point which I have not covered. I think, however, the best possible thing I can do is to turn the letter over to the hon. Financial Secretary and request that in view of the fact that this bill is not going to a select committee that the recommendations I have made and those which appear in this particular letter may also be referred to the Secretary of State. I would ask the hon. member in his reply to give an assurance that in view of the fact that the bill is not going to a select committee that these recommendations of the Chamber of Commerce will be referred to the Secretary of State with the request that an amending bill may be brought in at an early date to adopt the points raised this morning.

MR. PAROO (Eastern Area): Your Excellency, one of the points I wanted to put before Council the hon. Member for Mombasa has already touched on, but I will repeat this point before I make some observations on other parts of the bill which he has not touched on. I entirely agree with the point that in this bill one anomaly, concerning clearing and forwarding agents, should be removed, that those who forward goods and holding stocks costing £500 shall also have to take out insurance as well as the owner, who may be in Kampala or any part of Uganda or Tanganyika. That is a case where goods will be insured twice, and is an anomaly which should be removed. In regard to the accounts, the commercial community through the Chambers of Commerce have often made representations for the publication of the accounts of the fund, as there are strong rumours that the Insurance Board is working with a very high ratio of expense. I do not know how far that is correct, and as the commercial community is chiefly and directly interested in this insurance I think they have a right to know something of the accounts. This bill provides that the next publication of accounts shall be in December, 1943, and a 15 months interval is much too long. They should be published at least half-yearly, so that those concerned should know how it works, and if there is a sufficient surplus in the fund there may be a reduction in the premia. I also agree that those firms which have been insuring their goods in Tanganyika voluntarily so far should not be placed on the high premia of Sh. 7/50 in that territory. I think that Kenya or Uganda firms which have branches in Tanganyika should be charged the same rate as is current in this Colony.

Touching on some clauses of the bill, clause 7: I am opposed to the reduction of the limit to £500 from the original amount of £1,000 compulsory insurance in the present ordinance. I am aware that an amendment has been made reducing compulsory insurance to a cost of £500, but other regulations introduced since which have a bearing on this are such that I have to register my opposition. I should like to make it clear that there have been several small traders who con-

[Mr. Paroo]

sider that they are in a place remote from any risk of enemy action and yet have to share in this scheme of taxation. When I use the word taxation I would make it clear why, because according to the Price Control Regulation in Government Notice No. 602 in the Official Gazette of the 1st July, war risk insurance is not allowed to be included in a merchant's costs. I know many business men are under the impression that this insurance is passed on to the consumer, but that is not so. They cannot pass it on, such as other insurance, marine and incidental charges, according to the Price Control Regulations, and therefore in view of the very small margin of profit for the smaller traders this taxation becomes very heavy on them. I think the Price Control Regulations should be altered allowing them to include this insurance so far as the smaller traders are concerned with stocks under £500 if they come into this scheme.

In the schedule I should like to refer to item 18 (c), which has created a certain controversy among the hardware merchants and the members of the Legal Department. I understand that the hardware merchants have to pay war risk insurance on galvanized pipes which have not been insured on the understanding that that article was exempted; they have paid since 1941 up to last month, but under protest. I understand that according to business terms item 18 (c) includes galvanized pipes, but that there is a legal difference concerning this meaning, that a pipe is not a tube and is not therefore the same article, whereas the commercial people hold that it is the same thing. I think we should clarify this.

I was present at the meeting of the Mombasa Chamber of Commerce when their letter to the hon. Member for Mombasa was drafted, and he has put up their views. He also raised the question of property insurance which I understand landlords and the commercial community are pressing for, and I hope Government will give consideration to it.

MR. PATEL: Your Excellency, there is another point which has escaped the attention of previous speakers which I desire to comment on. Clause 7, "the

value thereof for the time being"—that phrase has raised practical difficulties. I am given to understand that a Mombasa firm purchased certain bales of cotton in Kampala for export to Bombay, and they were sent from Kampala to Mombasa within two or three days. Within two or three days the price of cotton went up slightly. That firm had always declared for the purpose of this war risks insurance the price paid at Kampala, but now they have been asked by the board to declare again all their declarations from January, 1941, to the present date, because it was found in the last declaration that they had not shown the market price but the price at which the cotton bales were purchased. The price of cotton fluctuates and after a purchase it may go down or up within two or three days by a cent or two per pound, and it has been found very difficult to go on adjusting from day to day or week to week to declare the market value for the time being. I suppose other merchants may have experienced the same difficulty. If the board strictly enforce the regulations asking for the declaration of the market value for the time being, it will be difficult to comply with them. Supposing a certain concern has some old goods, and they import new goods of the same quality and description which arrive at a higher price; under this, that firm would have to re-value the whole stock and declare the prices according to the market value prevailing overseas. In the circumstances, I suggest that it would be well to make rules to clarify the position whereby people can make declarations in regard to market value for the time being.

In regard to the schedule and item 18 (c) which the hon. member Mr. Paroo has referred to, I know from personal knowledge that hardware merchants, Europeans and Indians, both believe galvanized pipes are exempt, and they have not insured them all this time. I am given to understand by a well known European firm that such pipes are exempt in the United Kingdom. Here, however, the board has ruled that they must be insured and retrospectively. That is very unsatisfactory, and I think that when we are passing a new bill the position should be clarified, if necessary.

[Mr. Patel]

by amending the words. I am told that in the United Kingdom it has been held that under identical words galvanized pipes are exempt, but as it is the subject of dispute between the traders and the board I think that instead of leaving it to them it should be clarified by a suitable amendment. Lastly, I desire to remind Government in regard to clause 3, the composition of the board. I am quite sure that Your Excellency's Government will take into consideration the arrangement which was made for the appointment of an Indian on the board by Uganda Government under the present ordinance. Then the two Governments of Kenya and Uganda in co-operation made an arrangement for Indian representation on the board, and I suppose that the three Governments will now in co-operation make an arrangement for the nomination of Indian members on the board.

MR. BROWN: Your Excellency, the hon. Member for Mombasa raised a very important point when he questioned whether the definition of "King's enemy risks" in clause 2 of the bill covered the scorched earth policy. This definition comes straight from the English Act and up to a short time ago I do not think there was any doubt in most people's minds that the scorched earth policy was covered by the Act, but a doubt was thrown on the subject by a reply which the President of the Board of Trade gave in the House of Commons, I think some time at the end of April, in reply to this question. He was asked whether, "in the event of invasion of this country, compensation for loss through the application of the scorched earth policy, or in consequence of seizure by the enemy, is covered by the War Risks Insurance and or Damage Acts, or whether the Government proposes to accept liability for losses which may be caused to citizens under these heads". And his reply was: "The Acts were designed to deal with damage resulting from such risks as air raids or coastal bombardment. In general, this would not cover the risks mentioned. It is not possible to lay down in advance the financial arrangements which might have to be adopted in the circumstances described in question."

The Acts did not mention air raids or coastal bombardment and of course it would fall to the courts to say whether or not the definition of "King's enemy risks" covered the scorched earth policy. My own personal opinion is that there could be little doubt that this definition does cover scorched earth policy, but this Government is in communication with His Majesty's Government on this point and it will be possible to make a communication at a later date.

With regard to the point which was raised by the hon. member Mr. Paroo, and I think also by the hon. Member for Mombasa, with regard to "forwarding agent" in clause 2, definition of "supplier of goods", the hon. Member for Mombasa will remember that that was added by an earlier amendment to the War Risks Insurance Ordinance, 1941, and the reason that that was added was because there was some doubt as to whether an agent in this country who bought goods upon the instructions of and with the money of his principals elsewhere, and whose function was to ship the goods to the order of his principals, would be exempt and whether these goods would be insurable, and in consultation with Uganda it was decided to amend the definition of "supplier of goods" in order to ensure that the goods would be insured. Item 18 (o) was mentioned by the hon. Mr. Paroo and the hon. Mr. Patel. I little thought that when I gave an opinion on item 18 (o) that it would ever give any trouble, but I can only say that my opinion is and was that galvanized pipes are not exempted and are insurable under that item, and I regret that the hon. Mr. Patel should take a different view.

MR. PATEL: On a point of order, I did not say in my own opinion; I said in the United Kingdom that opinion was held that galvanized piping was exempted.

MR. VINCENT: Your Excellency, it seems to me that if scorched earth or the effects of warfare are to be exempted from this bill the bill becomes almost a farce, and I am sorry to hear the hon. member state that it would be for the Courts to decide. I do think that in forming legislation we should do our utmost

[Mr. Vincent]

to prevent the use of the courts by intelligent framing, and I believe that this point is of such paramount importance that we should not pass this bill through until that point is definitely established. (Hear, hear.)

MR. TESTER: Your Excellency, I think the best way to start a reply to the admirable suggestions of the hon. members in regard to this Bill is to explain that in view of the guarantee of the Home Treasury, this bill is to a large extent a contract between this Government and the Imperial Treasury, and for that reason, while there are a certain number of amendments perhaps which could be dealt with in select committee and I should think probably accepted, it is necessary, in order to obtain uniformity of phrasing with the home legislation and so on, to refer them to the Treasury at home. I can quite confidently give an assurance that the various amendments proposed will be examined, and if found desirable will be sent home to the United Kingdom authorities to see if they agree with them, and if they do not, why not, and if they want any precise wording which would fit in with their legislation. That, of course, is the difficulty about the interpretation of "King's enemy risks" which the hon. Member for Mombasa has mentioned, and that, as the hon. Solicitor General explained, is being taken up. The hon. Member for Mombasa mentioned this question of the premia to be paid by Kenya and Uganda merchants who have compulsorily or voluntarily insured before in Tanganyika and Zanzibar, and who have in some cases already paid premium at the rate of Sh. 7/50, and if no relief is given to them will have to pay Sh. 7/50 again. If I am appointed to this board under the new legislation, it is my firm intention to press for the Kenya and Uganda rate in these cases. I feel that the reasons for the lower premium are so obvious that there will be no trouble with them. The hon. member Mr. Patel mentioned the question of rates and I can assure him that action on the lines he mentioned has already been taken. The hon. Member for Mombasa noted that there was nothing in the bill to provide for voluntary insurance for Zanzibar. If he will look at

the amendment to clause 7 on the list of amendments circulated he will find that provision is made for that. That also had to be done when Zanzibar went out of line.

Hon. members mentioned the question of the publication of the accounts. Well, there is not the slightest reason why they should not be published six-monthly and brought up-to-date monthly. They are usually ready about ten days after the end of the month and they are always available for examination by members of the Chambers of Commerce and, as I say, I will arrange for publication six-monthly if that will meet hon. members' wishes. If later on they would like quarterly publication there is no reason why that should not be done. Among other amendments that the hon. Member for Mombasa suggested in clause 15 is the suggestion that the removal of the approval of the Secretary of State should be undertaken. As I said before, that can be recommended if on examination such a course appears desirable.

There is a more important question raised by the hon. Member for Mombasa, that is the disposal of the £170,000 or whatever the eventual balance of the fund is when it is wound up. If I understood the hon. member rightly he seems to think that is East African money. I cannot quite subscribe to that; if one pays a premium and there happens to be any balance after claims are paid, one does not expect to get the whole or part of the premium back, and it is the premia that we pay which supports the guarantee of His Majesty's Government. We talk happily as if we are going to end up the scheme with a credit balance which we think we might divide among ourselves in the best way we can, but do we ever consider whether we will not be half a million or a million pounds to the debit? It has not been suggested that we should make good that amount. I think we must leave the business of the disposal of the fund to the Secretary of State. I do not know whether these insurance guarantees are Crown colony-wide or not. It may be that the financing of them is on a colony-wide basis and it may be that, for example, Malta is paying quite a moderate premium and has had colossal

[Mr. Tester]

losses, and therefore the Secretary of State may consider that Uganda, with no claims and which has paid a premium towards this fund, should quite rightly not get anything at all and that it should go towards settling Malta's debts. I do not know anything about that, but it does seem to be quite clear that the residual balance of the East African scheme has very little to do with the East African Governments. This is a matter on which, of course, there may be various points of view, and enquiries into the question will be undertaken.

I am very grateful to the hon. Member for Mombasa for suggesting a new form under clause 16. As you will observe, the whole of the scheme will now be reviewed and polished up in connexion with the incorporation of Tanganyika, and it may be possible to institute quite a number of improvements and conveniences in the way of forms and procedure. I do not know if, in regard to 18 (a) of the Schedule, galvanized iron pipes, they are insurable at home, but I can give an assurance that if the home authorities say that they are not insurable, the board is quite content to abide by the home decision on the matter.

I think I had better repeat the general assurance that the suggestions made by hon. members will be thoroughly examined and will where necessary be sent home in order that they may be considered for incorporation in an amending bill at an early session of Legislative Council. As Your Excellency and hon. members will know, some matters relating to re-insurance and insurance for enemy war risks are continually changing and it seems inevitable that from time to time we must have amending ordinances. The question was put and carried.

#### NATIVE POLL TAX BILL.

##### SELECT COMMITTEE REPORT

MR. BROWN: Your Excellency, I beg to move that the select committee report on the Native Poll Tax Bill be adopted.

The first recommendation is to delete the words "gazetted as chief" from the definition of "chief" in clause 2, because since the 25th February this year it is no longer the practice to gazette the

appointment of chiefs. A more important recommendation is in connexion with clause 4. As it is at present, a native whose permanent home is within the jurisdiction of a local native council but who is living outside in an area where there is no local native council, such as a native working in Nairobi whose permanent home is in the Kiambu native land unit, would have to pay under the existing clause the full amount of poll tax in his temporary place of abode, and in addition the local native council rate in his permanent home; although a native whose permanent home is outside the jurisdiction of a local native council would only have to pay the amount of the poll tax. This we considered inequitable, and so we are recommending the addition of a proviso to the clause whereby a native who can show that he has paid for the current year a local native council rate will only have to pay in the area in which he is temporarily living the poll tax less Sh. 2. The effect, therefore, of the two provisos, as there will be if this recommendation is adopted, is as follows: (1) In the case of a native whose permanent home is outside the jurisdiction of a local native council he will pay the full amount of the poll tax, of which Sh. 2 will go to the Native Trust Fund; that is the effect of the existing proviso. (2) In the case of a native whose permanent home is within the jurisdiction of a local native council, who pays his poll tax outside in any area where no local native council is imposed, he will pay Sh. 2 less than the total amount of the poll tax prescribed for the year and no amount will go to the Native Trust Fund. As that proviso is at present drafted it is not made absolutely clear that it is only in an area where no local native council rate is imposed and a native can prove he has paid such a rate elsewhere that the amount will be Sh. 2 less. The hon. Chief Native Commissioner will therefore move an amendment to paragraph 2 (b) of the report to insert the word "such" between "any" and "area" in lines 1 and 2.

We recommend that clause 5 be replaced by a clause to make the district commissioner's office the place where the poll tax will be normally payable, but we have retained power for a district

[Mr. Brown]

commissioner to appoint other places which may be more convenient for tax payment where the tax may also be paid. Clause 6 (2) has been amended to meet the first drafting point of the hon. member Dr. Wilson. Clause 6 (4) seemed to be in conflict with clause 11. By clause 6 (4) the court which tries a case of non-payment of poll tax has power to remit the whole or part of the tax; by clause 11 a district officer is also given power to remit the whole or part of the tax; so that we have amended clause 6 (4) to provide that where a court thinks a person has insufficient means to pay it may adjourn the case and remit the proceedings to the district officer for his decision under clause 11. Under clause 11 a district officer could grant exemption to a native from tax payment for life, and some time after, when he has left the district, his successor might adopt a different attitude to the whole question and could come along and cancel that exemption. We considered we should give a measure of security to a native who had been granted exemption from tax payment for life, and so recommend that this clause be amended by a proviso that no exemption certificate which is issued for life shall be cancelled without the personal authority of the highest executive authority of a province, the provincial commissioner.

The second point of the hon. member Dr. Wilson has been met by deleting the proviso to clause 12 and substituting another one in which the sequence of words is more, I think, in accordance with his wishes, and of mine. The existing clause 14 provides that a collector may enter upon land in the execution of his duties, and it is proposed to insert the words "or tax clerk" because we considered that a tax clerk should have the right to enter upon land in order to make up his roll. Finally, we have added a clause to make it an offence wilfully to obstruct a collector or tax clerk in the execution of their duties, and the penalty is a fine of £10.

MR. HARBAGIN seconded.

MR. HOSKING: Your Excellency, I beg to move that the report be amended by the insertion in paragraph 2 (b) of the

word "such" between the words "an" and "area" in lines 1 and 2, for the reasons stated by the hon. member Mr. Brown. A literal interpretation of the proviso as it stands would entail increasing the rate of the tax in native areas by Sh. 2 merely for the purpose of taking it away again.

MR. TESTER seconded.

The question of the amendment was put and carried.

LADY SIDNEY FARRAR: Your Excellency, for the purposes of clarification, I would ask the hon. mover two questions on the recommendations of the select committee. I regret that to me, at any rate, it is still not clear when a native does not pay Sh. 2 additional tax over and above the poll tax. In this country, it is customary in the farming communities for the casual labourer to request his employer to obtain from his district commissioner the hut tax certificate on payment, and repay the employer for that certificate. The certificate is not necessarily obtained from the district commissioner of the district in which that native normally resides; they are obtained from the district commissioner of the area in which the native is being employed, in which the employer resides. I would ask the hon. mover to clarify the position as to how that additional Sh. 2 local native council tax comes into the certificate that is purchased from the employer's district commissioner. I do not think that is very clear either, and I hope the hon. mover has got the gist of what I want to know. (Laughter.) The other question I wanted to ask was: we are told by the hon. mover that differences are made between a native who has a permanent home in a native reserve and one who has not. This is raising the question, a new one to me, because we are given to understand that every native in this country has a home, has certain rights in his tribal reserve. I did not realize that it was now fully accepted that we had totally detribalized the natives, and I should like to hear an explanation of what you consider a native who has no permanent home in the reserve?

MR. BROWN: Your Excellency, with regard to the Sh. 2, the position is this. I gave, I thought, an example of what I



[Mr. Brown] meant when I said a native working in Nairobi whose permanent home was in the Kiambu native land unit. He pays Sh. 2, the local native council rate, in the Kiambu native land unit, his permanent home. He pays his poll tax in Nairobi, and he is let off Sh. 2 of the total amount of the poll tax payable in Nairobi because he has paid Sh. 2 local native rate in the Kiambu native land unit.

LADY SIDNEY FARRAR: On a point of explanation, I would ask again whether it is possible for him to pay the full combined tax in Nairobi?

MR. BROWN: No it is not, because he would pay the full amount of the tax in Nairobi if he failed to produce the local native rate receipt from the Kiambu native land unit. But he would be still liable for the local native rate in his permanent home, Kiambu. It is the production of the local native rate receipt which would relieve him of the Sh. 2 in Nairobi.

LORD FRANCIS SCOTT: To get the matter clear, is it not possible to pay the full amount to the district commissioner who allocates Sh. 2 to the local native council? It seems the only practical way of getting it done.

HIS EXCELLENCY: We are in a position now in which the hon. Chief Native Commissioner, who would probably be able to answer the question, is precluded from speaking, and I am not sure whether the hon. member Mr. Brown is in a position to reply to the question! (Laughter.)

MR. FAZAN: On a point of order, could I offer an explanation?

HIS EXCELLENCY: I do not think you are entitled to speak at this stage, the mover is replying to the debate. I suggest that if the hon. mover is not in a position to reply, as we shall be adjourning shortly for the usual interval, perhaps the hon. Member for Nyanza, the hon. Chief Native Commissioner and the hon. mover might get together and answer the questions put.

MAJOR CAVENDISH-BENTINCK: Surely, Your Excellency, under Standing Rule and Order No. 43 (vi) a member has the

right of explaining a point? otherwise a debate on a measure of this sort is rather a farce.

HIS EXCELLENCY: To whom are you referring as "member"? I take it that the hon. mover is going on to explain, but I merely intervened in case he is not in a position to explain. If he is, he should certainly continue.

MR. BROWN: I gathered that Your Excellency is willing to adjourn?

HIS EXCELLENCY: No. (Laughter.)

MR. NICOL: Would that not be better?

MR. BROWN: Regarding the point made by the noble lord the hon. Member for Rift Valley there is no legal provision to enable a district commissioner to receive the two taxes—I take it it is an administrative arrangement.

COL. GROGAN: Shall I be in order, sir, to move the adjournment to enable the hon. mover to find out what he is talking about? (Laughter.)

HIS EXCELLENCY: I will put the question, that the select committee report as amended be adopted.

LADY SIDNEY FARRAR: The hon. mover has not answered my second question, he has only answered one.

HIS EXCELLENCY: I think the hon. mover has concluded his speech. I will put the question.

The question was put and carried.

## BILLS

### IN COMMITTEE

MR. HARRAGIN moved that Council resolve itself into committee of the whole Council to consider clause by clause the War Risks Insurance Bill and the Native Trust Fund Bill.

MR. BROWN seconded.

The question was put and carried.

Council went into committee.

### War Risks Insurance Bill

Clause 2: Mr. Tester moved that clause 2 be amended (a) by substituting the word "and" for the comma between the words "Territory" and "the", and by

[Mr. Tester] deleting the words "and the Protectorate of Zanzibar" in the definition of "East African Territories"; (b) by deleting therefrom the definition of "Governors of the East African Territories".

The question of the amendment was put and carried.

MR. NICOL moved that the definition of "supplier of goods" be amended by the deletion of the words "or forwarding".

The question of the amendment was put and negatived.

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

Clause 3: Mr. Tester moved that clause 3 be amended (a) by deleting items (d) and (f) of sub-clause (1) and renumbering items (e) to (f) as (d) to (h) accordingly; (b) by deleting the word "six" which appears in the third line of sub-clause (3) and, by substituting therefor the word "four"; (c) by deleting the words "and the British Resident of the Protectorate of Zanzibar" which appear in the eighth line of sub-clause (4).

The question of the amendment was put and carried.

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

Clause 7: Mr. Tester moved that clause 7 be amended (a) by deleting the full stop which appears after the word "Ordinance" on the eleventh line of sub-clause (1) by substituting a colon therefor and by adding the following proviso: "Provided that goods, the value of which exceeds £500, situate in the Zanzibar Protectorate, shall be insurable voluntarily under this ordinance; but where, under the terms of this proviso, any goods have been voluntarily insured, such goods shall thereafter be deemed to be compulsorily insurable under this ordinance for so long as the ownership thereof rests in the person who originally insured such goods voluntarily"; (b) by inserting the words "from one East African territory to another East African Territory or" after the word "transit" which appears in the fourteenth line of sub-clause (1).

The question of the amendment was put and carried.

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

Clause 17: Mr. Tester moved that clause 17 be amended by deleting the words "and the British Resident of the Protectorate of Zanzibar" on the fourth and fifth lines.

The question of the amendment was put and carried.

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

Clause 18: Mr. Tester moved that clause 18 be amended (a) by deleting the word "the" in line 4 of proviso (c) and substituting therefor the word "this"; (b) by deleting the word "the" after the word "of" in line 3 of proviso (d) and substituting therefor the word "this".

The question of the amendment was put and carried.

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

### The Native Trust Fund Bill

Clause 7: Mr. Hosking moved that clause 7 be amended (a) by the substitution of the word "natives" for the word "native" in sub-clause (c) (i); and (b) by the insertion of the word "Council" after the word "Native" on line 3 of sub-clause (c) (ii).

The question of the amendment was put and carried.

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

The hon. Attorney General moved that the two bills be reported with amendment.

MR. BROWN seconded.

The question was put and carried.

Council resumed, and His Excellency reported the bills accordingly.

### THIRD READING

MR. HARRAGIN moved that the War Risks Insurance Bill, the Native Poll Tax Bill and the Native Trust Fund Bill be read the third time and passed.

MAJOR CAVENDISH-BENTINCK: May we take each bill separately, Your Excellency?

MR. HARRAGIN moved that the War Risks Insurance Bill be read the third time and passed.

MR. BROWN seconded.

The question was put and carried, and the bill read accordingly.

MR. HARRAGIN moved that the Native Poll Tax Bill be read the third time and passed.

MR. BROWN seconded.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I wish to oppose the third reading because we have not had a satisfactory answer to the question raised by the hon. Member for Nyanza and we should like to get that answer so that we know where we are when we pass this bill.

MR. HARRAGIN: Your Excellency, I am glad the hon. member has raised this point because I feel there is some misconception in this Council as to the right of a member to ask a question. There is such a thing known as "Question time", and during that period questions have to be answered and subsidiary questions asked. There is then the time when you discuss a bill, the principles of a bill, which is on the second reading, and during that period speeches are made on both sides and the question of answering is one entirely within the discretion of the person whose duty it is to reply. There is no obligation and, in fact, very often it is not a question of answering, because in a lengthy debate questions may be forgotten, but the fact that a question is not answered in no way abrogates the position. I therefore think that in this particular case as we in fact know the answer already, although it has not been said, this motion should be rejected.

MAJOR CAVENDISH-BENTINCK: On a point of order, sir, under Standing Rule and Order No. 83 I have the right to move that this bill be recommitted, as I wish to move an amendment to a provision contained in the bill, and the proper procedure for us is to refer the bill to committee of the whole Council to discuss my amendment, after which we can resume and the bill be read the third time. That is laid down in the rules of this Council and also in the rules of the House of Commons.

MR. COOKE: Your Excellency, I beg to submit that according to the House

of Commons usage and procedure a great deal of latitude is allowed members not so much to ask questions as to raise points of explanation, and if you read the latest Hansard there was considerable interruption, and members sometimes make, as I may be doing at the moment, almost a speech.

HIS EXCELLENCY: Is the hon. member seconding?

MR. COOKE: Yes, sir.

HIS EXCELLENCY: The question is that the Native Poll Tax Bill be recommitted to committee of the whole Council in order that it may be considered clause by clause.

LORD FRANCIS SCOTT: Sir, I should like to support that motion if for no other reason than to give an opportunity to the hon. Chief Native Commissioner of explaining his point from which he was debarred in the previous debate by reason of having already spoken.

MR. HARRAGIN: Your Excellency, the point raised by the hon. Member for Nairobi North is entirely different to the original one. The original point I was answering was that the bill should not be read the third time, whereas now according to Standing Rules and Orders a member has a perfect right to request that a bill be recommitted to committee of the whole Council in order to consider one particular clause or two. There is no possible objection that I can find to such procedure, which is strictly in accordance with our Standing Rules and Orders and House of Commons procedure.

The question was put and carried.

Council went into committee.

Clause 2: Mr. Brown moved that clause 2 be amended by deleting the words "gazetted as chief" from the definition of "Chief".

The question of the amendment was put and carried.

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

Clause 4: Mr. Brown moved that clause 4 be amended: (a) by deleting from the proviso to sub-clause (2) thereof the words "who is not liable to pay a native rate" and substituting therefor the

[Mr. Bouwer]

words "who pays his tax in any area in which a local native rate is not"; (b) by substituting a colon for the full stop at the end thereof and by adding the following further proviso: "Provided further that the tax payable in any such area by a native producing a valid Local Native Council receipt in respect of a local native rate for the current year shall be Sh. 2 less than the tax prescribed for the area; and in such case no rebate shall be deducted."

MAJOR CAVENDISH-BENTINCK: Your Excellency, I do not like the wording of the first proviso to clause 4 (2), especially in view of the phraseology used by the hon. member Mr. Brown to-day. It gives one the impression that there are natives who have no homes in native reserves and might therefore be considered to have rights of living permanently outside native reserves. I suggest that we should have this proviso to clause 4 (2) and move accordingly: That the first proviso to clause 4 (2) be amended by the deletion of the words "be deducted in respect of each poll tax paid by every native who is not liable to pay a local native rate imposed under section 24 of the Native Authority Ordinance, 1937, the sum" and the substitution therefor of the words "be deducted in respect of each poll tax paid by every native who, owing to his temporary residence in an area in which a local native rate is not imposed under section 24 of the Native Authority Ordinance, 1937, may not be liable to a local native rate, a sum". I would point out that it is clearly laid down that in respect of each poll tax paid by every native owing to temporary residence in an area in which a local native council rate is not imposed he has to pay Sh. 2, of which Sh. 1 goes to the Trust Fund, but it does not suggest that there are natives who are permanently residing for instance on European farms. It gives a clear indication that we are not legislating for natives who, I trust, do not exist; that is, natives who have made permanent homes on European farms.

MR. HOSKING: Your Excellency, by the amendment proposed by the hon. member Mr. Brown we are trying to get away from the region of theory to the

region of fact. The amendment proposed dealt with the native who paid his tax in the area in which a local native rate is not imposed. The theory as to whether he has a permanent residence in that area or is a temporary resident does not, in my opinion, arise. It is a question of fact whether he pays his tax or not. I do not see that the amendment proposed by the hon. Member for Nairobi North is necessary, though I do not see that it is particularly objectionable.

LADY SIDNEY FARRAR: Your Excellency, this question has arisen owing to the definition given by the hon. member Mr. Brown, who himself used the term "not a permanent resident". I cannot remember the exact words, under a native reserve or under a local native council, and therefore it was necessary to clarify that point. That is why this question is raised. It was specifically mentioned by the hon. member, and for that reason we have raised this suggestion.

MR. BROWN: Your Excellency, in my speech moving the adoption of the select committee report I used the words "in the case of a native lying outside the jurisdiction of a local native council". That I understand is objectionable. Later I substituted for that the expression "a native whose permanent home is outside a native reserve". That, I understand, is objectionable. I am quite prepared to withdraw that second passage, "whose permanent home is outside a native reserve", and to substitute for it the first passage in my speech, "a native who is outside the jurisdiction of a local native council".

LORD FRANCIS SCOTT: Sir, as this does chiefly refer to resident native labourers on farms and as they are there temporarily, because they cannot be signed on for more than a limit of three years or so, I think, I suggest that the inclusion of the words "temporary residence" is advisable.

MR. TOMKINSON: Your Excellency, if the amendment is accepted I am not quite clear as to the case of an area such as Mukogodo. It is a native area with no local native council, but you could not say that the natives in that reserve are there temporarily.

DR. WILSON: Your Excellency, I was a member of the select committee, but I would like to point out that on the second reading of the bill I said I thought it unsatisfactory to have these references to another ordinance instead of a clear-cut definition of what was an inhabitant in this ordinance on whom the cess was imposed, and I think that might be cleared up now: who is a permanent resident in a native area and outside.

MR. HOSKING: With regard to this question of residence in a native area, it is a matter of fact. If a native is residing on a farm it is presumed that he is liable to pay the tax with which he is leviable in that farm area. But if that native also has a residence in a native area and a hut he thereby becomes liable to pay a rate to the local native council in that area. It is a question of fact, he either has a hut there or he has not. We are dealing with huts. If he is on the rate count in a local native council area, he should pay that rate, and the rate is a cess on his living there though not actually residing there. It is an actual physical fact whether he has a hut there or not. In the case of squatters, some squatters own residences in natives areas. Those squatters would pay the full tax. But there are squatters who have huts in settled areas and also an extra wife in a native area. That native is liable to pay the rate. If he produces his rate receipt he would then pay the lower tax, because the higher tax includes a substitute for the local native rate. We do not want him to pay that twice. It is a question of fact, sir.

MAJOR CAVENDISH-BENTINCK: Your Excellency, we are quite aware of the procedure outlined by the hon. Chief Native Commissioner. We are also well aware from past experience of what he calls factual proof and so on, because by sad experience we have had alleged right holders who have claimed a new form of right. It is a highly contentious subject, and there is no harm in accepting it as it lays down quite clearly in the bill the type of person we visualize as a temporary inhabitant. Regarding the point raised about a certain area where natives now reside, I suppose that in due course there will be a local native council

or something of the sort, and that can be covered by my wording when the time comes.

MR. HOSKING: The position regarding natives living at Mombasa is difficult if we accept this amendment. We have natives liable to pay tax but who definitely have no homes in native land units.

MR. COOKE: I cannot see any objection to the word temporary, because a native residing on a farm at Nakuru may move to Solik and he is temporary in that area. I cannot myself see any objection in accepting the amendment.

MR. HARRAGIN: That is an extreme example. My difficulty is, what about a native residing in a township like Mombasa or Nairobi for 20 years? He presumably has no hut or anything at all in the old native reserve, therefore temporary would not cover him. He seems to be let out if we deal only with temporaries.

MAJOR CAVENDISH-BENTINCK: Is it the policy of Government to encourage that de-tribalization?

MR. HARRAGIN: Is it a question of policy or fact? I am trying to fit him in so that we know what he has to pay, whether he pays it here or elsewhere. If they are people in fact permanently outside the reserves, we have got to cover them somewhere.

MRS. WATKINS: We had one man 27 years out of the reserve—in what category will he be?

HIS EXCELLENCY: We shall reach no conclusion if we debate this matter in full committee, and perhaps the best plan would be to adjourn at this stage and to have the members of the select committee meet unofficially again, with perhaps the hon. Member for Nairobi North and the hon. and learned Attorney General. We could continue the committee stage of this bill either this afternoon or to-morrow. I do not think we shall get anywhere by discussing this matter in committee of the whole Council.

MR. HARRAGIN: Your Excellency, I move that progress be reported. The position is that we are now in committee, and if any other matter is to be

[Mr. Harragin] taken to-day it is necessary for Council to report progress now and resume in Council. We can adjourn this debate in order that further information be obtained.

The question was put and carried. Council resumed.

His Excellency reported accordingly.

MR. HARRAGIN moved that the Native Trust Fund Bill be read the third time and passed.

MR. BROWN seconded.

The question was put and carried, and the bill read accordingly.

### NATIVE PRODUCTION AND WELFARE POLICY

The debate was resumed.

LADY SIDNEY FARRAR: Your Excellency, I have much pleasure in supporting very warmly indeed the motion moved by the hon. Member for the Coast, although at the same time I should like to express my regret that he has thought it necessary to accept the amendment which is now included in the motion. Very far from being inopportune, as one or two members have suggested, personally I think that this motion is definitely overdue. The hon. Mr. Shamsud Deen used the simile of a house on fire and said that surely whilst a house was on fire you did not waste time in discussing what measures to take to combat it. That is perfectly true, but on the other hand I would take it a step further and I would suggest that equally you do make full use—and if possible beforehand you have prepared the way for being able to make full use—of the water supply to put the fire out. The water supply to put out the fire of war as far as we are concerned here, and as far as I can make out all over the world, is man power; man power is the one crucial point and the one crucial problem with which we are faced: man power for the forces, and equally man power for production. In Kenya Colony the greatest source of man power, of course, is our native population, and to ensure that that water supply will come freely and without any avoidable blocks in the fire hose it is our duty as leaders of the country to ensure that the native will give us a true and understanding co-

operation instead of a rather lagging and suspicious acceptance of orders. I think that there are a good many problems, the majority of them caused by the overworked condition of the average administrative officer—perhaps the members of the Civil Defence Council as well—certainly of the settler community, which are militating against the native having a proper background. An understanding of what is wanted of him has not been very clearly given to him, and the people who should be able to give it have themselves not stopped to ensure that their own background of thought is clear and concise, and a debate such as we are having on this motion should do something to clarify that background.

There appear to be two main sides; there is the political future and outlook of native representation in this country and there are the practical methods of application of the development of native welfare and progress in the Colony. Take the political aspect first; I urged two or three years ago, maybe longer, and now I should like to urge again very sincerely indeed that the time is fully ripe for bringing into being the next stage in the participation of natives in administration and in the discussion of legislation—provincial councils, or far better, and I think we should go straight to that point—a Central Native Council. I believe that that is a vital matter; I believe it is our duty to go ahead for once instead of lagging behind in the growing wish of the natives of this country to have some say in their representation, and I believe that we shall be better off going ahead of them and initiating the next stage in their political evolution. I do not like the word "political" myself in this respect; it is representation; participation in the Government of the country both by giving advice and by having an opportunity of properly understanding what is being done. I sincerely hope that within the next 12 months we shall see the initiation of a Central Native Council on which will sit representatives of the local native councils of all the areas in Kenya Colony, forming a proper body to advise Government as to who would be in their minds the satisfactory representative or representatives of their interests whom

[Lady Sidney Farrar] Government could consult as representing the country as a whole, as being able to get together the various, sometimes conflicting, interests of conflicting tribes, and to thrash out what is the real basic wish of the natives of the country, both in regard to proposed legislation and also as being the body to whom their representatives and Government can give the fullest possible information as regards the action that is necessary, particularly at this present time—war measures—but also after the war, developmental measures. I believe nothing but good will come out of a well organized body of native opinion of this kind, which we shall have initiated and in which they will therefore consider that we have some right of guidance.

To turn to the practical aspects, which have been touched upon by previous speakers, I should like to reiterate certain points. Take education first. I think that great strides have been taken under the present Director of Education in the co-ordination, simplification and improvement of native education, but I think there is a lot to be done still, and I do urge that Government shall insist that its own scheme of education, which I feel sure under the present Director of Education will very definitely be simple, straightforward and practical, shall be adhered to by those who have to carry it out, and that the spirit of numerical emulation—shall I call it that—which sometimes overcomes the better judgment of some of the missionary societies shall not be permitted to vary that scheme of education unduly (hear, hear) and to pander to rather thoughtless native ideas of what they would like and which is always liable to lead us into the pitfall of theoretical and not practical education. I would urge that more interest should be taken in the education of natives outside the reserves. I know the difficulty of staff, but still we should have a goal to aim for. At the present moment the very great majority of employers of any quantity of native labour are themselves standing the brunt of farm teachers. They have neither the time nor the training to take more than a rather superficial interest in the teaching which these farm teachers are giving; they are

finding it is not easy to get suitable farm teachers and they are nervous of getting unsuitable farm teachers, and I would submit that Government should work very closely indeed with employers of labour in giving them every possible assistance on the subject of farm schools. I think it would not be a wrong suggestion that they should assist financially in these farm schools to ensure a better educated type of teacher being employed, in the issuing of books and other requirements. I would also urge that the schooling of the urban native should be watched more closely than is being done now, and should be watched very closely indeed because that is where you have the most difficult type to deal with, and I personally feel very strongly that Government should quite definitely set up Governmental elementary and primary schools, and not rely on the missionary for the schooling of the urban native child. At the present moment we are all unhappily aware that the native, particularly the urban native, is losing his understanding of the word honesty. Never before has there been such a wave of dishonesty as we can see, not only among urban natives, although particularly the urban natives, due to the slackening of tribal discipline, old tribal ideas, and particularly tribal public opinion. We have lost tribal public opinion on that particular subject and it is up to the educational authorities, with the help of the judicial authorities, to bring back that native public opinion and bring it back so strongly that it will be looked on as a breach of the ordinary social graces to be known as a thief. It is a point we have got to face; it is spoiling our natives very badly indeed and we have got to do something about it educationally.

I also feel that—turning back to the urban native—pressure should be brought to bear, perhaps by the Municipal Authorities, to ensure that the hoard of small native children who are still employed, particularly in the Bazaar, for very small sums of money and not in very good conditions from any point of view, should be collected together and given some form of elementary education. Pressure should very definitely be brought to bear on this subject of the small native child employed in the towns.

[Lady Sidney Farrar]

Medical services; that has been raised several times during this motion also. There is only one point as regards production and man power, and a very simple one and that is that I personally have not the slightest doubt that if we could get down to greatly increased and improved medical services in the native reserves we should increase our man power by 10 per cent or 15 per cent at the very least, not only in rendering the unfit native, who is riddled with malaria, dysentery, worms and all the rest of it, more fit to do a full day's work—some of them who cannot work at all at the present moment could be made fit—but also the question of women and children. The women in the native reserves, just as the women on the farms, are playing a very great part in production at the present time, not only the production of children; the production of foodstuffs, and naturally a fit child should make a fit man. The answer to that probably is once again shortage of staff. I do not think we can agree that it should be shortage of money. It was before; we are all agreed we could not get money to improve medical services at one time, but I think we can find it now, and the question of shortage of medical staff could be met too. The one professional class that it appears to be fairly easy to obtain from Great Britain at the present time are qualified medical practitioners. The Army seems to be able to obtain all they want and I believe that the Government could also obtain the services of medical practitioners from home—and it is looked on as part of the war effort, production in this area—and I feel that you would be able to get the services of women doctors at home. I also understand that in obtaining the services of qualified nurses the Government of Uganda appear to have had very little difficulty in obtaining them from England when they require them. Increased medical facilities are required in the reserves, not only increased hospitals, but greatly increased dispensaries, which should be very closely watched by qualified men and women. In the settled areas also there is an increasing demand for better medical facilities of the cottage hospital type. The farmer is doing what he can, but it is getting harder and harder for

him to look after the natives from the medical point of view, with shortage of drugs, the very great expense of drugs and the lack of time. The native population is growing, particularly in the squatter areas, and the provision of cottage hospitals to supplement the town hospitals is a very urgent requirement. It would be a very great advantage. At the same time I would urge very strongly that Government should find some means of assisting the employer of labour in obtaining the simple necessary drugs for use for his labour at a subsidized price; it would have to be subsidized for it to be a reasonable price at all, and I would suggest that Medical Officers of Health should hold stocks of drugs which employers of labour could obtain from him in reasonable quantities at a reasonable price.

Turning to the question of agriculture in native reserves, if you had the real support of the native leaders in this country I think it would be possible for a great measure of co-ordination to be obtained in regard to the crops to be grown in the various areas; the type of crops and the quantity of crops to be grown. There is a feeling still of lack of co-ordination in the programme of production in the native reserves. Each reserve at the present moment appears to be taken as a separate entity and there is a feeling that unsuitable crops are being grown in reserves when they would be better grown in some other reserve, because some official is interested in that particular crop and is keen on introducing it to his particular folk. Secondary industries we are all agreed are necessary for the proper development of this country from every possible point of view, particularly the absorption of the surplus native population, and here again I think we should plan ahead and when the Government agrees to the inauguration of a secondary industry of the factory type they should insist that the promoters of that factory include in their scheme, before Government allows it at all, provision of land near that factory for their more permanent employees to use as smallholdings—I said more permanent employees—not permanent! They should have smallholdings and Government should insist that every

[Lady Sidney Farrar] assistance should be given to make good use of those holdings and to see that the employer makes good use of them too. The introduction of landless natives will be a disaster to this country, and in that respect I feel very strongly that the Municipality of Nairobi has failed in its duty and done little towards assisting in the introduction of smallholdings for natives living in the town. Once you introduce a landless community—whatever you like to call him—industrial employee or anything else—whether European or native, you have introduced the seeds of discontent, of unhappiness and of instability, which leads to war, as it has undoubtedly done in the last generation, and with our natives will lead to the unhappy and very often paid agitator, and certainly will take away from the native his proper development as a man of the land, which he undoubtedly is.

Turning to the second part of the motion, the need for increased co-operation, the need for making use of increased co-operation from non-officials, it is of very obvious importance. After all, the African in this country and the settler non-official have the closest possible link. Both are Colonials. The African came to this country as a colonial looking for land—an agricultural colonial, and we settlers have come in the same spirit; both agricultural colonials, and are settling on the land in the same way. We speak the same tongue as the native does; we think very much the same way as he does on many things basically; and he has a certain amount of confidence in us because he does appreciate the fact that the land, this country, is our permanent home just as it is his permanent home.

In this respect I would touch on one very difficult point, which quite easily will be a source of misunderstanding and trouble, and that is the introduction of the conscription of natives for production purposes. Here again it is absolutely vital that the native should understand fully not only understand but believe—that is a very different matter—why this conscription has been introduced. You have got to get his willing co-operation with regard to conscription. That sounds a complete Irishism I know, but it is not.

You have got to make him understand that conscription has been found to be the fairest way of ensuring the proper use of man power; of ensuring that every man will pull his weight, and we have every right to say that because it is for that reason that so early on in this war we brought in conscription in Great Britain, and you have got to make him understand that it is the fairest method of making use of the man power of the native reserves; the proper use of conscription both for military and for production purposes. It is not merely a form of exploitation. On the other hand you have got to give some encouragement to the farmer to make use of this conscripted labour. The farmer is an individualist himself and loathes the idea of conscripted labour; he does not like it at all and will avoid it if he possibly can, but if you are going to obtain the increased production which you assure us is a vital necessity in this war, you are going to have to make use more and more of conscripted labour for production purposes. Voluntary labour is getting less; the voluntary labourer is going back to run the farms of the conscripted labourer at present; it is an unfortunate turn of the tide. In the reserves there appears to be no scheme equivalent to our group farm management and each family feels they must have a man of the family to run their affairs; their next door neighbour won't do, and very shortly not only is production going to cease to be increased but it is going to go back unless we make use of conscripted labour. At the present moment the farmer does not want to use it, firstly because he does not like it, but secondly because the ordinary farmer—I am not talking about heavy industries—finds it almost impossible to afford it, and is nervous of its repercussions. Not only is it expensive directly as regards railway fares, recruiting fees, provision of blankets and all the rest of it, but there is this question—a very debatable point—of the special rations for conscripted labour, and the fact that the conditions applicable to your conscripted labour by law are to be applied to all other voluntary labour employed on your farm. That, of course, upsets the entire economic balance of the farm, and that

[Lady Sidney Farrar] is the point we are particularly frightened of. At the present moment the number of conscript labour applied for by the light industries is infinitesimally small because of this background of fear on the part of the employer. Once again Government must give the farmer a feeling that it will genuinely consult him in this matter.

The question of rations is a particularly thorny point. People were given to understand under the original Government notice that the local production committees would be consulted in the matter of rations to be issued to conscript labour in the various areas. In spite of that, the fiat went forth from the Central Wages Board laying down what the rations were to be, and they included meat or fish at a time when there was a meat shortage in the country and people could not possibly afford it and when the local consumption should not be increased in this manner. They also included other expensive items which would have to be provided for farm employees as a whole, and without consultation with the local production committees which it was understood would take place. I am talking in this respect particularly for the main production committee of the Nyanza Province. The result of this lack of co-operation has led to the members of this committee, representing a very large area, bringing forward certain resolutions which I think are highly undesirable but which are entirely heartfelt, and which with your permission, sir, I will quote. The first is: "That they believe the Central Wages Board to be acting in a manner likely to introduce friction in the existing relations between farmers and native labour"; the second, that they believed the Central Wages Board was attempting to turn the conscription of native labour for light industries into a farce; and third, they believed the board had attempted successfully to put a spanner into the works—

MR. HOSKING: On a point of order, sir, is the hon. member speaking to the motion of the hon. Member for the Coast?

LADY SIDNEY FARRAR: I am speaking on the one on the subject of the proper development of relations between the native race and our own in this country

and the development of the natives in this country.

HIS EXCELLENCY: The motion to which the hon. member is speaking I think allows a considerable amount of latitude (Laughter) and that is why I have allowed the hon. member to continue.

MR. SHAMSUD-DIEN: On a point of order, sir, I would draw the attention of the Council to the fact that it is past 1 o'clock!

HIS EXCELLENCY: If the hon. Member for Nyanza is likely to continue for some time longer, perhaps it would be advisable if we adjourned now?

LADY SIDNEY FARRAR: Five minutes only, sir. There is one more point only that I wish to raise to-day, and that is that I should like to say that I was disappointed indeed in the answer given by the hon. Commissioner for Lands and Settlement as chairman at one time of post-war development on the African side. It is one of the very few occasions that I have heard him give an unconvincing and very short answer to a very vital point. I had hoped that he would tell us far more of what the committee is trying to do for demobilized Africans not only after the war but now, when the problem is already arising. I suggest this is a point which must be gone into, and some of it must be made use of now. Demobilized Africans are coming back. Already some of the Pioneer Corps are being demobilized and for various reasons other African soldiers, and action should be taken to ensure their future and the proper use to be made of them without delay.

One particular point I should like to make is that opportunity should be given for the semi-skilled demobilized soldier with a reasonable standard of education at least to continue where he left off when he joined the army. Your Excellency, our duty in native development was well put by the noble lord the hon. Member for Rift Valley, and that is to help the native in every possible way to become a good citizen.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 17th September, 1942.

**Thursday, 17th September, 1942**

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 17th September, 1942, His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 16th September, 1942, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

BY MR. SURRIDGE:

Report on the Audit of Kenya and Uganda Railways and Harbours Accounts, 1941, together with Transport Dispatch No. 48 of 11th September, 1942.

#### ORAL ANSWERS TO QUESTIONS

##### NO. 22—REQUISITIONING OF HOUSES AND HOTELS

MR. COOKE:

In view of the great anxiety and concern being freely expressed by the civilian European and Asiatic communities in Mombasa and Nairobi regarding the requisitioning by the Naval, Military, and Air Force authorities of residential houses and hotels accommodating civilians engaged in essential war work and those indirectly contributing towards the war effort, will Government be good enough to state:—

(a) The number of residential houses and hotels requisitioned in Mombasa and Nairobi, stating whether furnished or unfurnished, by (i) Naval authorities; (ii) Military authorities; (iii) Air Force authorities; and the purposes for which they are being used, and the number of officers and/or men occupying each house as a residence or mess?

(b) What proportion of Government-owned residential houses and private-owned houses has been requisitioned?

(c) What steps have been taken by the Naval, Military, and Air Force authorities to see that the occupants had suitable alternative accommodation?

(d) What time, if any, is allowed to the occupants to try and find alternative accommodation?

(e) Who fixes the terms of requisitioned houses taken over by the Naval, Military, and Air Force authorities and what are the arrangements for compensation for damage done when the houses are handed back to the owners or previous occupiers?

(f) Before the civil authorities permitted residential buildings and hotels to be requisitioned, were they satisfied that huttments, *bandas* or tents—so much used in the last war—could not have been provided by the Naval, Military, and Air Force authorities, which provision would be consistent with an army on a war time footing?

(g) Whether a requisitioning officer or any member of his staff has authority to enter a building during the absence of the owner and without permission?

(h) Whether, in any cases, wives of officers are occupying a room in a requisitioned house?

If full public answers to any of these questions are considered inadvisable by the Naval, Military and Air Force authorities, in present circumstances, will Government nevertheless request this information so that it may be conveyed to the hon. members of the Legislative Council in confidence?

MR. TESTER: 1 (a) Mombasa—Furnished houses requisitioned: Army, 2; Navy, 1; Air Force, nil. Unfurnished houses requisitioned: Army, 9; Navy, 3; Air Force, 2. Furnished hotels requisitioned: Army, nil; Navy, 3; Air Force, nil. Unfurnished hotels requisitioned: Army, 2; Navy, nil; Air Force, nil.

In Nairobi no hotels have been requisitioned: 1 furnished and 9 unfurnished houses have been requisitioned for the Army.

It is not in the public interest to disclose either the purposes for which these premises are used or the number of occupants.

(b) All the houses requisitioned are privately owned.

(c) While this is not the responsibility of the Services, they try to assist by informing the occupants of any alternative

[Mr. Tester] accommodation that they know is available.

(d) This depends on the degree of urgency, but occupants are always given as long as possible to find other accommodation.

(e) In some cases the terms for premises requisitioned are arrived at by mutual agreement between the Assistant Director Hirings and the owner. If this is not found practicable, the matter is referred to the Compensation Board under the Defence (Compensation) Regulations, 1940. The Services make good to the owner any damage or depreciation in value (fair wear and tear, fire or damage by enemy action excepted) which may be found after the termination of the tenancy to have been occasioned in the use or alteration of the property.

(f) Yes. A great deal of such accommodation has been provided by the Military, Naval, and Air Force authorities.

(g) A member of His Majesty's Forces acting in the course of his duty may, under Regulation 49 of the Defence Regulations, 1939, enter and inspect a building for the purpose of determining whether any of the powers in regard to requisitioning should be exercised.

(h) The reply is in the negative.

2. As regards the second part of the question, the Government considers that no useful purpose would be served by the adoption of the procedure suggested.

##### NO. 49—OLD AGE PENSIONS

LADY SIDNEY FARRAR:

(a) Has Government any scheme in view of providing old age pensions for European men and women too old to work and without sufficient means of support?

(b) If not, will Government give an undertaking to take steps in the near future to appoint a committee to evolve such a scheme?

MR. SURRIDGE: (a) The answer is in the negative. Each year a sum is provided in the Colony's estimates for the maintenance of destitute persons; the amount provided this year is £2,700. This sum is administered by the Accountant General,

who works in close touch with the British Legion and the Salvation Army.

(b) In the circumstances Government considers that the appointment of the committee suggested by the hon. member is not necessary.

MR. COOKE: Arising out of the answer, does not Government think old age pensions are a right rather than a charity?

##### NO. 62—CONTROLLED MILK PRICES, MOMBASA

MR. NICOL:

(a) Are Government aware of the serious position which has arisen in Mombasa through the arbitrary fixing of a control price for milk produced by the Mohammedan cow-feeders?

(b) If the answer is in the affirmative, will Government state what action they are taking to remedy the situation?

(c) If the answer is in the negative, will Government order an immediate withdrawal of the control, pending the independent investigation by a commission appointed by Government?

MR. TESTER: (a) Government is aware that difficulties have arisen in regard to the recent fixing of a control price for milk in Mombasa produced by Mohammedan cow-feeders.

(b) Government has requested the Price Controller to co-opt under Regulation 3 (3) of the Defence (Control of Prices) Regulations, 1942, the services of such persons as the Provincial Commissioner, Coast, may decide to advise the Price Controller on the question of the price of milk in Mombasa with the least possible delay.

(c) In view of the answer to (b), this question does not arise.

##### NATIVE POLL TAX BILL

###### IN COMMITTEE

MR. BROWN: Your Excellency, I move that Council resume in committee of the whole Council consideration of the Native Poll Tax Bill clause by clause.

In moving that, I should like to say that at our meeting yesterday it was made quite clear that a certain expression which I used in moving the adoption of the select committee report was unfortunate, and there was objection to it

[Mr. Brown]

In some quarters. It was agreed at our meeting yesterday that I should make the following statement: In moving the adoption of the report of the select committee on the Native Poll Tax Bill, I said that the first proviso to clause 4 was intended to cover natives whose permanent homes are outside the native reserves. This expression was not correct. That proviso is intended to cover the cases of natives living or being temporarily outside their reserves or such cases as natives living or being on leasehold land or who occupy land such as the Land Commission referred to in their report as D areas, which are not under the jurisdiction of a local native council.

MR. HARRAGIN seconded.

The question was put and carried.  
Council went into committee.

Clause 4:

HIS EXCELLENCY: When we left the discussion at this stage yesterday the hon. Member for Nairobi North had moved an amendment to clause 4 (2).

LADY SIDNEY FARRAR: In view of the statement made by the hon. member Mr. Brown, we are prepared to withdraw any further action in this matter.

With the leave of Council the amendment was withdrawn.

MR. BROWN moved that clause 4 be amended (a) by deleting from the proviso to sub-clause (2) the words "who is not liable to pay a native rate" and substituting therefor the words "who pays his tax in any area in which a local native rate is not"; (b) by substituting a colon for the full stop at the end thereof and by adding the following further proviso: "Provided further that the tax payable in any such area by a native producing a valid local native council receipt in respect of a local native rate for the current year shall be Sh. 2 less than the tax prescribed for the area; and in such case no rebate shall be deducted."

The question of the amendment was put and carried.

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

Clause 5:

MR. BROWN moved that clause 5 be deleted and the following substituted therefor: "5. The tax shall be paid at the office of the District Commissioner of the district in which the native resides, or at such other place within the district as the District Commissioner shall appoint and cause to be made known in such manner as is customary among the native community concerned".

The question of the amendment was put and carried.

Clause 6:

MR. BROWN moved that clause 6 be amended (a) by deleting the words "and in default of distress by imprisonment or detention for a period not exceeding three months" in lines 3, 4 and 5 of sub-clause (2); (b) by deleting the words "and in default of distress may commit such native to prison or to detention in a detention camp for a term not exceeding three months" at the end of sub-clause (2); (c) by inserting immediately after sub-clause (2) the following proviso—"Provided that when it appears to the Court that distress and sale of property would be ruinous to the person ordered to pay the money or his family, or (by his confession or otherwise) that he has no property whereon the distress may be levied, or when other sufficient reason appears to the Court, the Court may, if it thinks fit, instead of or after issuing a warrant of distress, commit him to prison or to a detention camp for a period not exceeding three months, unless the money and all expenses of the commitment and conveyance to prison, to be specified in the warrant, are sooner paid."; (d) by inserting the word "further" between the words "Provided" and "that" in the proviso to sub-clause (2); (e) by deleting from sub-clause (4) the words "to pay the whole amount of such poll tax" to the end of the sub-clause and substituting therefor the words "the Court may adjourn the hearing and remit the proceedings to the District Officer for his decision under section 11 of this Ordinance".

The question of the amendments was put and carried.

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

Clause 7:

MR. BROWN moved that clause 7 be amended by inserting in sub-clause (2) the words "at the place appointed by the District Commissioner under section 5 of this Ordinance" between the words "tendered" and "in" in line 1.

The question of the amendment was put and carried.

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

Clause 11:

MR. BROWN moved that clause 11 be amended by substituting a colon for the full-stop at the end thereof and adding the following proviso—"Provided that no certificate which is issued for life shall be cancelled without the approval in writing of a Provincial Commissioner".

The question of the amendment was put and carried.

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

Clause 12:

MR. BROWN moved that clause 12 be amended by deleting the proviso and substituting the following—"Provided that nothing contained in this section shall affect any exemption granted under any other Ordinance".

The question of the amendment was put and carried.

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

MR. BROWN moved that clause 16 be renumbered as clause 14 and inserted immediately after clause 13.

The question was put and carried.

MR. BROWN moved that clauses 14 and 15 be renumbered as clauses 15 and 16 respectively.

The question was put and carried.

Clause 15:

MR. BROWN moved that clause 15 (as renumbered) be amended by inserting between the words "collector" and "may" the words "or tax clerk".

The question of the amendment was put and carried.

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

Clause 17:

MR. BROWN moved that clause 17 (1) be amended by inserting the word "of" between the words "Chief" and "the" in line 1.

The question of the amendment was put and carried.

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

Clause 22:

MR. BROWN moved that clause 22 be amended by inserting the word "lawfully" between the words "being" and "required" in line 3.

The question of the amendment was put and carried.

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

Clause 23:

MR. BROWN moved that the following new clause be inserted immediately after clause 22 and that the succeeding clauses be renumbered accordingly—"23. Any person who wilfully obstructs any collector or tax clerk in the execution of his duties under this Ordinance shall be liable on conviction by a subordinate Court to a fine of £10".

The question was put and carried.

MR. HARRAGIN moved that the Bill be reported to Council with amendments.

The House resumed, and His Excellency reported accordingly.

THIRD READING

MR. HARRAGIN moved that the Bill be read the third time and passed.

MR. BROWN seconded.

The question was put and carried.

The Bill was read the third time and passed.

NATIVE PRODUCTION AND WELFARE POLICY

The debate was resumed.

MR. DAUBNEY: Your Excellency, in its present form I regard the motion as more acceptable than in the original form in which it was moved. But there

(Mr. Daubney)

is this objection to the motion as it stands—that it puts those of us who have anything to do with the framing of policies for social or developmental work in the native reserves to the necessity of claiming that we have in fact got such well-thought-out and far seeing policies, that those policies have been co-ordinated properly as between the activities of the various departments and, finally, that non-official opinion and assistance has been sought in the framing of those policies. Otherwise it might be made to appear that there were in fact no such policies in existence, that there had been no such co-ordination, and no such consultation of non-official opinion, at least until one of the two great constructive thinkers of Africa had taken the time to bring his searching intellect to bear on this problem and shown us the need for taking such action. However that may be, I do share the misgivings expressed by the seconder of the motion (they were very easily overcome) and the misgivings expressed more strongly by the hon. member Mr. Shamsud-Deen, that this is neither the time nor the place to raise this debate.

To stake my own particular claim to the existence of such a policy, I would remind hon. members that in my annual report for 1938, which was published, I took the opportunity of reviewing at some length the policy of the Department with regard to the development of the live stock side of agriculture in native reserves. I do not propose to go into detail in reviewing that policy now, but I would just make two general points. The hon. Director of Agriculture has referred to the measures that it is now necessary to take in order to correct tendencies in native agriculture that have arisen out of the enthusiasm both of the natives—and perhaps of Government officers also—for the cash crop growing activities in the native reserves. He has referred in particular to the physical measures which he is taking and which he proposes to take on an increasing scale with a view to conserving the fertility of the soil and restoring it in certain areas, and he concluded by saying that in general terms the object of the policy of his Department was to

establish a system of balanced farming which would enable the land to support the maximum population without loss of fertility. It is in that connexion that the live stock policy for the agricultural reserves comes into the picture, because we believe that it is only by the correct use of live stock that the fertility of the land can be retained while at the same time the maximum production can be ensured. The whole object of the departmental policy with reference to stock in the agricultural areas is to bring stock into closer relation with the farming operations of the natives, to get stock if possible on to the farm land, and to develop the holdings in almost every case on the lines of intensive dairying and balanced agriculture. All the activities of the Department in relation to disease control, in the education of Africans in matters relating to live stock management, in the improvement of breeding stock and in the marketing of animals and animal products, are directed towards the achievement of that particular end. As far as the pastoral areas are concerned, very little need be said. The essence of the policy that is being followed is to turn the pastoral native as far as possible to the ranching of commercial live stock and to give him some sense of responsibility with regard to the utilization of his land, and again all our activities are directed towards achieving that end.

To deal with the second point, the co-ordination of departmental policies, to which reference was made during the debate. I think it is only necessary to draw the attention of hon. members to the existence of the Native Welfare Committee on which all departments concerned with the social services are represented, and to point out that the departmental policies are scrutinized and examined most carefully by that committee, which has for some time been sitting under your chairmanship, sir, and thus are welded into a unified whole. During the time that I have been on that committee I have seen no evidence of the competitive tendencies to which reference was made, nor of any desire on the part of those representing departments to urge that their particular interests should be put before the general interest as arrived at by the com-

(Mr. Daubney)

policy is not being pursued energetically at the present moment. I rather wished to say that it was being pursued as energetically as we were able at the present moment and that a good deal of association of non-official opinion did in fact exist already.

The third point that was made was the need for association of non-officials with the formulation of these policies. Here I should like to draw the attention of the hon. mover to a few only of the committees on which there has been adequate non-official representation, committees that have had a good deal to do with the framing of policy, at least in my sphere of agricultural development. The hon. Director of Agriculture has already referred to the Soil and Conservation Committee, on which there is considerable unofficial representation, so I do not propose to deal further with that. I would, however, remind the hon. member of the existence of a report by a body known as the Meat and Live Stock Inquiry Committee, published in 1937. That committee was composed of equal numbers of non-officials and unofficials, and the hon. and learned Attorney General was chairman. In the report of that committee he will find not only many references to native policy, but in effect an outline of policy for the development of the stock industry in the pastoral native reserves—

MR. COOKE: On a point of order, I am very loath to interrupt the hon. member, but if he will read my motion he will see that I am asking for more association. I have not, of course denied that there is a lot of association, and it may save the hon. member a lot of trouble if he realizes that.

MR. DAUBNEY: I am quite aware that the hon. member has not denied that there is a certain amount of co-operation, but when he asks as he did in the original motion that Government should pursue without delay a progressive and farseeing native production policy he implied that it was not pursuing such a policy at the moment, and although the amendment asking Government to pursue energetically such a policy tones down that original implication there still remains a suggestion that such a

policy is not being pursued energetically at the present moment. I rather wished to say that it was being pursued as energetically as we were able at the present moment and that a good deal of association of non-official opinion did in fact exist already.

If I may finish about the work of the Meat and Live Stock Inquiry Committee, I would point out that one very important result of the work of that committee was the establishment in this country of a meat packing plant for which regrettably enough we have not yet been able to provide adequate supplies of stock from this country. The second committee which has recently published a report, which again throws considerable light on the policy of Government with reference to the development of the stock industry in this country, is the interim report of the Overstocking Committee, another committee on which representation was equally official and non-official. There again I think the hon. member will find that policy with reference to stock development both in the agricultural and pastoral reserves is fairly clearly outlined. That committee has now been constituted into a more or less permanent, or at any rate quasi-permanent, board, on which again there is adequate unofficial representation. I would also remind the hon. member of the activities before the war on the economic development side of Executive Council and of the preparation by heads of departments of a five year plan, and I would say that although those plans have not been published I have no doubt he would be able to obtain most of the papers from his colleagues on that body.

I should like to tell hon. members of a little incident that happened rather more than a year ago. We received a very angry letter one morning from an irate settler, who complained that he had read in one of the South African agricultural journals an account of the development of a new fodder crop, a development that had taken place at Kabete, of a hybrid perennial sorghum. He said he had never been one of those people who was in the habit of criticizing Government unnecessarily, but he did think that on this particular occasion



[Mr. Daubney] he had a grouse in that he should read in a South African agricultural journal for the first time of an important development such as this in the work carried out at Kabete by the agricultural officer in charge of the grass land investigations. In general, it was rather an unpleasant letter. We replied as usual in polite strain, and took the opportunity of pointing out to the gentleman that a footnote on the first page of the article in question acknowledgment was made to the fact that it had been taken from the *East African Agricultural Journal*, an issue published about six months previously, and we further took the opportunity of sending him an order form for the Journal and inviting him to subscribe. He wrote back a letter of the "It is all right this time but don't do it again" kind, but he enclosed his cheque for a year's subscription to the *East African Agricultural Journal*. My point, sir, is that there is ample evidence already published in this country which would enable the hon. member to find, if he cared to look for the evidence, that a far-seeing and progressive policy in connexion with native development is in existence, that it is co-ordinated, and that unofficial opinion has been consulted to the full and unofficial assistance has been sought in the formulation of policies.

I accept the motion, but I still repeat that I believe at the present time to put forward such a motion and raise such a debate is largely, if not entirely, gratuitous.

COL. KIRKWOOD: Your Excellency, I am rising to support the motion, and I am not surprised after listening to the last speaker that he seems to think that we are suffering here from a sense of frustration. You, sir, have on the other side twenty senior members of the services of the Colony, just sitting there held on leash by you, sir, to be told how they are going to vote and to be turned into yes-men. Yet we have there the most experienced officers in the Government of this lovely Colony who are being deprived of their political consciences and who are not allowed to vote against the motion if Government tell them to vote the other way. That

is the whole trouble of this motion. We had it only a few days ago, when the Petrol Bill was before Council. We have twenty gentlemen voting according to order, and you had here seventeen men—

HIS EXCELLENCY: I do not want to interrupt the hon. member, but would he please speak to this motion?

COL. KIRKWOOD: I am explaining the cause of the trouble on a recent motion of frustration. We are asking to be associated with Government on matters, as worded in the motion, on the native side. Now, the hon. Director of Veterinary Services seems to think there are too many committees and Government is getting too much advice. There are a number of committees, and I agree that a great deal has been done, but I maintain still that there is a lot to be done and could be done if we felt we had the goodwill of Government with other members on this side who are virtually the opposition. I should like to remind the hon. member who last spoke that there are many things that he has not done, due to the reasons I gave in my opening remarks, due to the constitutional issue, the constitution of the Colony; he has not been able to do them. I would refer to paragraphs 117, 141, 134 of the Agricultural Commission report of 1929, with reference to goats. (Laughter.) We have no reference to Legislative Council in these paragraphs unfortunately. (Laughter.) This was a Commission of eight settlers of the Colony who sat for just over a fortnight, and had two meetings a day, sometimes three. The late Sir Daniel Hall was its chairman, and he was one of the leading lights on agriculture in England. Paragraph 117 says: "Of the native live stock, the goats probably constitute the greatest danger. They not only graze closer but they attack shrubs and young trees on the higher land and so destroy the scrub and forest which should regulate the retention of water by the soil and prevent the starting of dangerous erosion. It will be remembered that to the goat more than anything else may be attributed the deforestation of Greece and other Mediterranean districts, where the former soil has been completely washed away, creating on the one hand

[Col. Kirkwood] a bare hillside and on the other swamps in the valleys." The other two paragraphs also dealt with goats, as did about a dozen more. And what has been done since 1929 to eradicate the goat from the native reserves? I say that nothing has been done. The hon. member who is Director of Veterinary Services is prevented from getting up in this Council and insisting on Government taking some measures. It is the constitutional issue with him, and that is the curse of this Colony. He is not allowed, otherwise I am perfectly certain that he agrees with every word in paragraph 117 and with paragraphs 134 and 141. Goats have to be eradicated, but they have not been. And does the hon. Director of Agriculture recommend Government to take steps to get rid of goats in the interests of the natives? No, of course he does not. That report could be quoted for a week or more.

The last hon. member also referred to what has been done in the establishment of a meat factory. It was recommended very strongly in this report of 1929, and it took ten years for this Government to act. That is the trouble. We have men on the other side of Council who have the ability but not the political opportunity; they are debarred from using their brains and experience in the welfare of the natives or Europeans of this Colony. I quote again from the Moyne Commission of 1932 on "Certain Questions in Kenya," ten years ago, which justifies the motion of the hon. member for the Coast. —On page four, paragraph five, the heading being "Relations between settlers and natives," it says: "It is hardly necessary to state that orderly improvement in the standard of native life need in no way impair the excellent relations which now exist between the British and African communities. After a stay of about ten weeks in East Africa I am much impressed by the amount of good feeling evident between the natives and settlers, and my observations fully accord with the statement of the Chief Native Commissioner given at the end of his annual report for 1930: 'Members of the general public have shown a consistent and increasing interest in all that concerns native welfare. Probably no-

where in the world are relations between employers and employed better than in Kenya. But quite apart from that the concern of the unofficial population has manifested itself in many and diverse ways and is a particularly noteworthy factor in the social and political life of the colony, and one which I am glad to be able unreservedly to acknowledge'".

I hope that Government will acknowledge that unreservedly too and agree that this motion has some justice in it, and that some measures on the lines suggested will be adopted in the future. I should like to quote one more paragraph from the report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa, page 292, "B. Special arrangements in Kenya." I might say before reading it that I do not want to be accused of taking the paragraph out of its context. I think it is applicable to the motion, as it is dealing with recommendations for a measure of responsible Government in this Colony, and that was ten years ago. I do not think when I have read it that I can be accused of having taken it out of its context. This is the paragraph: "1. Representation of native interests in Kenya should be supplemented by the following measures:—(i) Consultation of native opinion in regard to legislation through district councils and periodical durbars. (ii) Supply of full information on native affairs to the representatives of native interests in the Legislative Council. (iii) Appointment of an advisory committee on native affairs to assist the Chief Native Commissioner. (iv) Appointment of representatives of native interests on all official bodies which can influence policy." 2. Advisory committees should be attached to some of the departments of administration." I suggest that the general sense of that can be applied to this motion, and that an advisory committee could be appointed; in other words, that the unofficials on this side of Council could be more closely associated with native policy in this Colony.

There are many other quotations that one could produce, but I do not think it is necessary. I am quite sure that every member, both on the other side of Council and this, has the welfare of the natives of Kenya at heart.

[Col. Kihwood]

We have always tried to give him a fair deal, and he is entitled to it and we only ask for more close association of the unofficial communities with the policy of native affairs.

MR. ISHER DASS: Your Excellency—

HIS EXCELLENCY: The hon. member has already spoken to the motion in seconding the amendment.

MR. ISHER DASS: Yes sir; now I am speaking to it.

HIS EXCELLENCY: You spoke to the motion when seconding the amendment.

MR. ISHER DASS: Yes, but I reserved the right to speak later.

HIS EXCELLENCY: My ruling in this case is that when anyone seconds a substantive motion, not an amendment to a motion—

MRS. WATKINS: On a point of explanation, I thought that I seconded?

HIS EXCELLENCY: I mean that when someone seconds an amendment to a motion he speaks to the original motion. In that case the hon. member has spoken to the original motion by seconding the amendment. I am aware of Standing Rule and Order No. 43 (ix) in this connection, but the advice I have received is that when a member seconds an amendment to a motion he speaks on the original motion.

MR. TOMKINSON: Your Excellency, during the discussion which has taken place I do not feel that the opinions expressed by the hon. and gallant Member for Trans Nzoia are common. I feel that what has been said is not said in the sense of frustration, but rather in a sense of willingness to co-operate with their experience. There can be no doubt that the progressive and farseeing native production and welfare policy must first of all concern the land. In areas where the native population is dense I do not see how one can avoid the need for some form of individual holding. Much of the damage which was done, especially in the Machakos district, was due to the fact that there was no individual who would respect a piece of land; his friends, his neigh-

bours and his clansmen all made use of it until there was nothing left to use. But when I say individual tenure I do not mean that we as an administrative policy have in any way tried to remove the native control of lands. In every case where that exists that has been supported, and there are many sanctions of that nature governing the disposal of native land amongst themselves.

The hon. Member for Kiambu brought up the question of communal farming. That to some extent does already exist; you do get clans who go out and who cultivate a piece of land, and the community feeling is often rewarded by a beer drink given by the land owner, but I rather think that the hon. lady meant a form of communal farming somewhat more similar to that which prevails in Russia. Whether, if we have individual holdings, which does seem inevitable eventually, we shall progress further and go back to some social scheme such as prevails in Russia I am afraid I cannot say, but there are definite signs of co-operation amongst native agriculturalists. There are such associations as one called the Small-holders Association, and agricultural officers often meet these small associations and the district commissioner, if necessary, and discuss various matters of native production. At present I know that my friend the hon. Director of Agriculture is doing all he can to obtain staff. The need for trained agricultural staff in the native reserves is certainly very urgent. As has already been said it is most necessary to combine conservation of the soil with production.

My hon. friend the Provincial Commissioner, Nyanza, gave a figure of the number of natives who were out in employment either with the civil or military from Nyanza Province. In the Central Province the figure is not far short of 100,000, and I think the position is getting rather near the bone. The difficulty of absorbing these people after the war is no doubt very great, but it has been our policy that where natives are required by the various military units for technical work we have recruited them from various centres, and I do trust that when these men come

[Mr. Tomkinson]

back after the war—whether they be blacksmiths, cobblers, carpenters, or whatever their trade may be — they will go back, a considerable number of them, into the native reserves and there take up shops in the little native markets and thus become useful members of the community. I do admit that this question of the post-war employment of Africans is a very difficult matter, but we do have some satisfaction in knowing that the hon. Member for the Coast is a member of that committee.

The noble lord, the hon. Member for Rift Valley expressed the hope that local native councils would not be—I cannot remember the exact expression—led by the district commissioner. That is an obvious danger. Even now no finance sub-committee of the local native council can draw up their own estimates, but to avoid any implication that their decisions may be influenced by the district commissioner it is the general policy that prior to a local native council meeting members meet by themselves, and I think that that is a good step towards divorcing them from any idea that they are being sat on by the district commissioner. I would also say that in matters such as finance and roads, there are small committees appointed by the council and they attend meetings by themselves first, and their opinions given in council when the district commissioner is there—and I attend most native council meetings if I can—are very free. In fact they do not hesitate to alter the estimates. The noble lord also referred to the question of a civic sense of duty. That is a matter which my friend the hon. Director of Education has brought up at meetings of the Advisory Council on African Education. I think it is difficult at present as the natives are in a state of flux, but I do see some hope that they will realize this more when we get educated children brought up in educated homes. We have only just reached that stage. There is one other point which concerns that civic sense and also concerns the land. I have on occasion recently been in the native reserves and I have talked to natives with quite good houses and asked how many brothers

they have got and what they are doing. There is no doubt that many of these larger families do realize that fragmentation of the land is a hopeless proposition. I went into one not long ago and said, "How many brothers have you?" and they said, "I have two grown up brothers; one is a teacher and the other is in the Army." That is very much what happened in England.

The hon. Member for Nyanza referred to the question of farm schools. I know that that question is not being lost sight of and my hon. friend the Director of Education has recently circulated a memorandum to members of the Advisory Council on African Education on that very question and I further understand that he is having a meeting of his inspectors of schools to discuss the problem further. I think I am right in saying that the squatter on the farm does not really get a large share of the social services which exist in the native reserves. The hon. Member, Mr. Shamsud-Deen, after damning myself with faint praise, referred to the question of the price of vegetables in the Embu district. That question of vegetable prices has been discussed by those who are concerned, my hon. friend the Director of Agriculture has reviewed it from time to time, but it is admitted that the price would appear to be low, but again one must remember that the natives who are growing those vegetables are provided with seedlings, the Agricultural Department staff provide and administer the insecticides, and further, if one visits that area one can see that a considerable sum of money has been spent on really well thought out and scientific irrigation, irrigation which cannot possibly do any damage to the soil.

I would in conclusion refer to the hon. Mr. Shamsud-Deen's remarks when he said we could look back on the last twenty-five years with some satisfaction, and I do feel that for the next twenty-five years, with our increased general knowledge and sense of co-operation, with the idea that the natives are a very integral part in the progress of this Colony, we may even have a better twenty-five years than the last. (Applause).

DR. PATERSON: Your Excellency, I rise to support the motion and before going any further I should like to assure both the hon. mover and, not the last speaker, but the penultimate speaker, the hon. Member for Trans Nzoia, that I do so not merely as a yes man but with the full force of conviction. The hon. member has just been accusing my colleague the hon. Director of Veterinary Services of being a yes man and, although he did not say exactly the same thing in my case, I must leave it to him to judge for himself whether there is anything in it or not, and to what extent we have been instructed by Your Excellency.

COL. KIRKWOOD: On a point of correction, I think that the hon. member has taken my remarks out of their context. I tried to explain that the situation does not allow every member on that side of the Council to get up and speak as freely as he would like to do.

DR. PATERSON: I have said all I can about that. But in supporting the motion I should like to make one point, which is almost a reservation. It is this: that in formulating a policy it is not sufficient that the policy should be far-seeing. The policy must be sufficiently far-seeing, it must be comprehensive, and it must be directed to some very clear end. If it is not, then it is apt to become merely a statement of a desire for improvement or of good intention, and one knows where good intentions are likely to lead, and do lead very often and even more quickly, in connexion with matters of welfare than in anything else.

Turning to the particular aspect of welfare with which I am more particularly concerned, namely the improvement of health, I think I can say that we have approached the matter in the correct fashion, because when one formulates a policy one must know what the circumstances are and what is required. Twenty-two years ago when I first had some responsibility in this matter, the first thing that I did was to ask that one of my medical officers should get me accurate information with regard to what was happening among the native peoples with regard to their conditions of life. The findings of one of the three surveys then

carried out really were three in number. First, it gave evidence of an immense amount of preventable disease and ill-health. Second, it showed that the particular people concerned had a very high birth rate, for the women during their reproductive period had on an average seven or eight live births to each; it showed also that there was a very high infantile mortality rate. Now it became clear at once that apart from any long-range policy with regard to the improvement of health, the natural results of of the establishment of peace, of the improvement of roads, and of work directed towards agricultural production would lead inevitably to a reduction of that infantile mortality rate, and it was also clear that if the infantile mortality rate were to be reduced very greatly and if nothing happened to the birth rate, then, unless there were an outlet for the population, we would ultimately get overcrowding on the land and poorer health among the people than we had before. Therefore one of the objects of policy had to be to ensure that there were outlets, though that could only be a palliative for a time. Another object of policy had obviously to be to ensure that that birth rate decreased as the death rate decreased. But we wanted improvement of health, and therefore we had to ensure not merely that the birth rate would fall but that it would fall to a point at which optimum conditions would prevail. The question then arose, how was this to be done? I shall return to that point later.

The next point which emerged from that survey and others was what the causes of ill-health actually were; and the chief causes of ill-health were really three: ill-nourishment, lack of knowledge of hygiene, and lack of the wherewithal to purchase the means of cleanliness and sanitation, that is soap and water supplies.

Now, with regard to ill-nourishment, at that time people actually died of famine in Kenya on occasion. Since then famine has become more rare but the health of the people is not yet all that it ought to be, for the people are still ill-nourished. They are ill-nourished now not from lack of quantity as a rule, but from lack of quality, from lack of vitamins and minerals, the things that

[Dr. Paterson]

you get in butter, milk, eggs, vegetables and meat, and therefore a balanced agriculture was necessary in the interests of health, and money was necessary as well to purchase the means of cleanliness. Therefore what was required was to achieve great improvements in efficiency and great increases in the total bulk of production. But we had to ensure at the same time the safety of the land if health were to be saved, and to avoid overcrowding of the land, and so we come back to this business of the birth rate. In all history the main factor which brings about a reduction in the birth rate is a rise in the standard of living, provided (which is important) that the rise is sufficiently high; and so the precise object of the policy from the public health point of view was to ensure an increase of the standard of living to the point at which the peasantry would become sufficiently proud and ambitious to wish to maintain these standards and to require and wish for not so many children, but better children.

Then the point arose as to how one could achieve that. Obviously if we were to achieve it we had to inspire the people with ambition and we had to give them wishes and wants. We had to make them wish for these things so intensely that they would work to get them and adopt our methods. The first approach to that end was by affording medical treatment, which is always wanted everywhere, and we have done that throughout the last twenty years. The history of that effort is of interest. I am now talking of the native reserves alone, not of the towns. In 1918 there were five hospitals in the native reserves with a total of 150 beds; in 1930 there were seventeen hospitals in native reserves with a total of 740 beds; in 1938 23 hospitals with well over 1,000 beds. And the record of what happened in these hospitals: in 1930—not to go further back—in-patients were 35,000; in 1938, 51,000; in 1941 the total was 78,000. That includes towns as well. Out-patients in 1930 were 200,000; in 1938, 400,000; and in 1941, after three years of war, 559,000. At out-dispensaries in 1930 there were 500,000 attendances; in 1938, a million attendances; in 1941, 1,200,000 attendances. And the costs. The

total cost of the Medical Department in 1918 was £60,000; in 1930 it was £250,000—or rather the estimate was £250,000, for we did not spend so much. In 1938, £215,000; in 1941, £232,000. For the current year they are, I think, £260,000 or £270,000. The most interesting point is this: as a result of the depression in 1930/1931 we had to reduce our medical estimates; they dropped to £199,000 in 1935. The estimates which I have submitted to you, Sir, for the forthcoming year are, if I remember rightly, for about £290,000, and if we add on to that all the things that have been suggested in this debate they would be well over £300,000. So actually in seven years this Government has increased its medical estimates by £100,000.

About ten years ago, when it was becoming very difficult to see where we could get more money for hospitals—they were overcrowded then and are even more overcrowded to-day—I sat down to think what could be done about it, and I wrote a memorandum on the development of Kenya. I did not say a single word in it about hospitals, but I suggested three other things. I suggested the expenditure of as much money on the promotion of agriculture as was then being spent on medical services; I suggested the expenditure of a certain amount of money on the training of women, and a certain amount of money on pictorial propaganda. And the scheme which I then put forward was practically the same as that which the Director of Agriculture has prepared very recently for the conservation of the land, and therefore a progressive policy has been followed at least to that extent.

The second thing that we did was to try to show the people how they could get good health by means of housing and how by means of proper farming and a balanced agriculture they could get a house and the money for the clothes which they wanted and good food for their children. And so you come to the integration of policies for welfare and to inter-departmental co-operation. Very lately we have done something to meet the second point made by the hon. mover, namely to bring unofficials into consultation with ourselves. So far as my own department is concerned I think

[Dr. Paterson] we have done precisely what the hon. member desired. A long time ago there was a Central Board of Health. For reasons which I need not mention here it fell into abeyance, but the last year or so I have been asking Government to reconstitute that body, and very recently Government agreed. It consists of seven members; five are statutory and must be official but five can be unofficials. The majority used to be official, but to-day four are unofficial and soon I hope five will be unofficials. These unofficials are Dr. Jex Blake, Mr. Anderson, Dr. Adalja (an Indian member), and Mr. Riddoch of Kisumu whom I brought in partly because he was a merchant and partly because he was well acquainted with the economic needs of Africans in one of the largest provinces in the Colony. Again, and still having regard to this long-range policy, in the Native Welfare Committee, as you are aware, we have from the beginning always attached great importance to the collection of facts with regard to the population and with regard to the land, in order that we may be able to assure ourselves, which we cannot do otherwise, that our policy continues to be sufficiently progressive.

That, Sir, is a summary of the situation and of our views with regard to a long-term policy for the promotion of the public health. There are certain "short-term" aspects which have been raised during the course of this debate. They have been raised by the noble lord the hon. Member for Rift Valley and by the hon. Member for Nyanza Province. They refer to man power, and to what we may be able to do to-day to improve man power in the native reserves for work both there and outside. Now, broadly, the whole of our hospital policy is oriented towards that end, and so is the dispensary system. Last year, on Your Excellency's own suggestion, we made provision for a number of extra medical officers. Unfortunately the needs of the towns, the needs of native health in towns and the need to supply staff for refugee camps and so on have not allowed us to post those officers into the native reserves, and so certain of the native reserves are understaffed. It is certainly for consideration whether we

might not ask for more staff for the specific purpose of improving the health of those people whose health is not so poor that we cannot do anything about it at all, and points which have been made during the debate have impressed me very greatly, and also certain possibilities which appear to be indicated by the results which have been achieved in the depots for the recruitment of military labour. I think something more can be done on those lines, but it does depend on whether the staff is available, and that I do not know. It depends also on whether the funds can be made available, and it does depend to a certain extent on what can be got to-day in the way of drugs. I have mentioned how our estimates have gone up and it is a question for consideration whether they can even go up higher, because if you are going to pursue a policy of that kind it will undoubtedly cost a great deal of money. If you wish an extra ten medical officers you have got to find £10,000 per annum straight away, and we have already overcrowded hospitals. It is in the hospital. I think, that one can perhaps do most with regard to this type of work, though there may be great possibilities in the well-ordered recruitment camp. But it would all cost money, and it is for consideration whether we can do as much as would make it economically worth while. But on this point I do trust that when peace comes it will be remembered that it is perhaps more far-seeing to interfere with the existing social services as little as possible, and that a more progressive policy will then be followed than was actually followed after the last depression occurred of 1930-1931.

In conclusion, I should like to say that I support the motion and indeed welcome this discussion at the present time, when we are at war, because I think we must remember that when peace comes, so far as peace between armies is concerned, the world will not be at peace; it will be socially disturbed and it will be a poorer world and in many places other than Africa it may be an extremely hungry world and there will be people without anything to do. I do think that if you give consideration to the kind of things that are wanted to improve nourishment here, and the kind of things that are wanted to improve health, if we put one's

[Dr. Paterson] standards sufficiently high two facts emerge. First, there would be an enormous amount of foodstuffs and raw materials which we could provide for a starving Europe after the war, and there would be an enormous market throughout the whole of central Africa for the things which only the people in Europe can make, and I do think that we should consider very seriously indeed whether our policy is sufficiently progressive. We have here in Kenya in our European and Asian population a leavening of people who can produce high-grade articles for export, and who therefore provide a certain market for local produce and so provide an essential stimulus to trade, not only externally but internally, and I think that we in Kenya can give an example to the whole of Africa which might be of infinite value to the continent of Europe after the war.

MR. HOSKING: Your Excellency, certain points were raised by the hon. member for Nyanza which concern the hon. Director of Education rather than myself. Unfortunately, he has already spoken, and he has asked me to reply on his behalf. I crave the indulgence of Council if I refer somewhat copiously to the notes he has given me.

The hon. member dealt with the education of natives outside the reserves, firstly in settled areas and secondly in municipalities and townships. "Dealing with the settled areas first, it has been realized for some time that there are working on farms in the Rift Valley Province and, indeed, throughout the White Highlands, thousands of Africans who have as much right to education as those living in the reserves. In September, 1940, an inspector of schools was for the first time posted to the Rift Valley Province, his main duty, apart from that of the supervision of European, Indian and African schools situated in townships, being to investigate the various problems arising out of schools situated on estates and farms. Some of the difficulties are obvious: for example (i) the scattered nature of the schools, the comparative inaccessibility of some of them and very incomplete information concerning them; (ii) the varying degree of interest or lack of interest displayed by farmers; (iii) the lack of

teachers with specialized training necessary for conditions which are so vitally different from those obtaining in the reserves. The inspector has very recently submitted to the hon. Director of Education an interim report as a result of his investigations. This report contains a great deal of interesting information and constructive suggestions. It has been circulated to members of the Advisory Council on African Education and will be considered in detail at the next meeting of the Council. In the meantime certain preliminary actions have already been taken by the Education Department.

Turning now to the second point, education of Africans in municipalities and townships, this matter has also been receiving special attention recently particularly in the Rift Valley Province and Nyanza Province. The development programme of the Education Department recently approved in principle by the Advisory Council on African Education, includes the replacement of the various private schools in the townships and municipalities of Nakuru, Eldoret and Kisumu by one central school in each. How soon it will be possible to implement this programme is, of course, largely a matter of finance. There is a Government primary school in Nairobi and a number of grant-aided mission schools also; there are similarly grant-aided schools in Mombasa, and proposals are now before Government for increasing grants in respect of such schools in view of the particularly difficult circumstances in which they are working. In this connexion it may be mentioned that the recently established post of supervisor of female education will, it is hoped, be filled in the very near future. Little improvement can be effected in the home conditions of Africans in municipalities and townships until the education of girls and women has been seriously tackled."

Regarding the rehabilitation of demobilized Africans, the hon. member referred to what she called "the inadequate reply of the hon. Commissioner for Lands and Settlement to the questions asked earlier this session as to the steps being taken by the Rehabilitation Committee to deal with demobilized Africans". "As the hon. member is aware, a special

[Mr. Hosking] this debate for members to express their views on native policy and for us to record the results we have achieved or hope to achieve, and also our shortcomings. Had we been attacked—which I must confess we have not—we could not have avoided pleading war conditions for any dereliction of duty. The policy of improvements had had to be curtailed, modified or abandoned for lack of building materials, and even had money been available money without men is practically useless. We are working to-day in the native areas with a tired staff, an overworked staff, on whose shoulders much additional work has been laid. It has been no mean effort for the Administration, in addition to their normal duties and the many other duties thrust on them, to take on all the recruiting for the army and to raise over 60,000 men in three years. Some of these have returned to civil life from the Military Labour Service, but members of that Service show a tendency to enlist in front line regiments for the duration of the war. (Applause.) On top of this, the Administration has had recently to undertake the conscription of men for civil employment at a time when the native areas are carrying out an enormous campaign of war production. I want to warn hon. members that conscription is not the panacea for a labour shortage. The law of diminishing returns is bound to obtain when you overtax, and we are in danger of overtaxing, the man power resources of Kenya. The result will be that when you conscript too many, voluntary labour will be returning from employment to fill the gaps made by conscription, and I cannot warn Council too seriously that we are nearing the end of our man power reserves in the native land units.

I am glad that the hon. mover accepted the amendment proposed and now embodied in the motion, and I have authority to accept the motion on behalf of Government. I must confess that I shared the view expressed by the hon. member Mr Shamsud-Deen that it was inopportune to press for the pursuance of a progressive and far-seeing policy at a time when all policy has to be subordinated to the one policy of winning this war, the policy of throwing all we have in men and resources into a struggle that may determine our very existence; it is not, for instance, a far-seeing policy for Kenya to allow, let alone encourage, and to conscript up to 50 per cent of its able-bodied man power of African natives to work for employers outside the native reserves; it is not a far-seeing policy to encourage the production of crops in native areas to the extent to which we are committed to-day. Yet I have no doubt that the policy which we have pursued is the right, and only policy during a war. If you want a good lawn I believe it is a good policy to roll it and mow it for a hundred years. When there is a war, the best policy is to plough it up and plant potatoes.

While we have carried out vigorously the policy forced upon us by the war, we have done our best not to lose sight of the longer-ranged policy. All internal native policy must eventually be based on our land policy. All social progress depends upon what can be won from the land. I have in this Council been called "of the earth, earthy", the greatest, if not the only, compliment I have been paid here. All through the Ormsby-Gore report of 1925, the Hilton Young report

[Mr. Hosking] of 1929, the White Paper of 1930, and that all-important report, of the joint select Parliamentary committee of 1931, runs the postulate that native policy must be based on the land policy, that natives must be given good security in their land and given enough land for their present and future requirements. In the words of Hilton Young, we must have "a policy which would make available for every native, for his own cultivation, sufficient land to maintain himself and his family and to provide him with the cash required for the taxes he has to pay". Again, it was suggested that every native must have sufficient land to give him a free choice whether he works for himself or for another. Finally, we had the Kenya Land Commission Report, which was to settle for all time our native lands, whose boundaries have now been fixed by Order in Council and by the Native Lands Trust Ordinance. Whether the Land Commission carried out the ideal set before them by previous policy is a matter of opinion. Their report was accepted by His Majesty's Government before we were given any opportunity to discuss or criticize it. It was a very honest attempt to make a final and practical solution of native land problems. I do not think any of us were quite as soil-erosion-conscious when that report was being framed as we are to-day, though I know that the Land Commissioners did consider and report on that aspect. But I do think they might have varied their recommendations had they been advised that no land having a slope of over 10 per cent should be cultivated. If this was followed rigorously, most of the Elgeyo and Marakwet districts, a very large proportion of the Kiambu district, Fort Hall, and Nyeri would have to be abandoned. Dr. Pole-Evans actually advocated the total evacuation of the Machakos district. Those are not practical schemes, they are idealistic, but I doubt if I could assure Sir Hilton Young that there would remain enough land for the inhabitants "to carry on their traditional forms of stock raising and agriculture until they had learnt better methods"; let alone "normal increases in population".

I do not wish to reopen the question of the wisdom or justice of the Kenya

Land Commission Report. We aimed at, and have achieved finality, and we must now cut our garment of native policy according to our cloth. I must, however, point out that the Native Lands Trust Ordinance did not pass into law until the end of 1938, in fact, only a few months before war broke out, and we have found many difficulties arising from the interpretation of both Orders in Council and the Ordinance *vis-à-vis* the Land Commission Report. The actual physical recommendations of the report have been carried out as to various boundaries and settlement of right holders and the like, but to carry out the recommendations of the Commission as to framing rules for guiding and controlling the use of native land has been and still is a very serious problem. We have been warned and we know well the dangers arising from sub-division and fragmentation and from the native system of inheritance and other customs which militate against the best use of the land.

As offers of assistance in formulating a policy for welfare have been frankly made, let me accept these offers as frankly, and let me explain the difficulties that are before us. Reference was made to Professor Malinowsky. I remember reading an article of his, which was unfortunately burnt in the Secretariat fire, that the relations between an African and his land are mystical, and we cannot be fools and rush in blindly to upset those relations. Besides the practical men and demonstrations to which the hon. Member for Rift Valley referred, we need research to guide us, we need men skilled in the work to devote themselves to the work, we need more and more staff, we may need eventually a Native Lands Department; and, to-day, we simply have not got the men available for the work. That does not mean that we have adopted a policy of *laissez faire*, for we have done what we can with the men available. Active measures have been taken to combat soil erosion, while officers best suited to make investigations have been selected and posted to key positions where they can work on recording the concept of native land tenure as revealed in the native appeal tribunals, and much valuable information is daily being obtained in this way. We are experimenting, too, in native

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land tenure by natives in settlements at Gedi and Olunguruc, and obtaining data that can be put to good use in framing our policy for native lands. The hon. mover asked for an assurance that during the war we would suspend any drive towards individual tenure. To-day we are not driving—we are giving way before an irresistible force. It is bound to come, and the hon. member well knows section 1650 of the Kenya Land Commission Report which advises our guiding land tenure in that direction.

My hon. friends have shown what material progress we have made in recent years, but I would like to stress the progress we have made in native administration, native local government, and native justice. We are building up a native administration staff in our chiefs, we are building up a native local government in local native councils which we are developing, on what I believe to be very sound lines, but I know they are capable of further development and I have been pressing Government to develop them on the lines suggested by the noble lord, the hon. Member for Rift Valley. As hon. members know, local native councils collect their own rates, and vote their own supplies, and I want to quote a very few figures to show how they have come to realize their responsibilities to the people within their jurisdiction, always remembering they can withhold as well as vote supplies. I will compare the figures of 1933 and 1942 in round figures. They spent on education in 1933, £10,500, and in 1942, £20,000; on medical in 1933, £4,500, and to-day, £15,000; on agriculture in 1933, £8,000, and to-day, £28,000; on their roads and bridges in 1933, £7,500, and now £14,000; on water supplies, £1,300, and to-day, £3,200. I think those figures speak for themselves. We are reforming native taxation. We achieved that this morning, and in doing that we have struck at the root of a social evil which I stressed in introducing that measure. All real progress must come from underneath, the roots, and the first principle of native administration is to adopt and adapt, to work on existing foundations wherever they are sound. We should not scrap the Njuri system in Meru, the Moran system in Masai, because they have no counterpart in our

conception of western civilization; we should make full use of them, and adapt them to the needs of the natives. There are times when we have to cut back and prune and to thin these natural growths, but we should foster them and cultivate them as a general principle.

The second principle of administration is the corollary of that. I got it from Kipling, and he got it from Isaiah: "He that believeth shall not make haste". This is not a policy of *laissez faire*. It means that you must have confidence that you are doing the right thing, and the determination to do that thing surely if slowly. Native administration is like a heavily laden barge in a narrow canal. You can drag it, you can propel and guide it, at a certain rate of knots, but if you try to go too fast you raise a bank of opposition that pulls you up or you wash away the banks of the canal and are lost. There are times when we have been tempted to go too fast, perhaps forced to go too fast. The de-stocking of Kamba may be quoted as an instance. We achieved our object but risked losing the loyalty of a grand tribe. The last principle is that it is not sufficient to be just—you must also appear to be just. We have seen that to-day over the maize question. We have been perfectly just to the natives, but we have not impressed them with our justice, and must reconsider our previous decisions.

Native policy cannot be framed apart from the general policy of the country. It can only be on the broadest lines upon the basis of the "peace, prosperity and welfare of this Colony". We aim at raising the standard of living of the natives, the standard of their health, and that all depends on their use of the land. We aim at improving the land, to make it carry as many natives as possible on the highest standard of living possible without taking from the land more than they put back into it. We cannot carry all natives on the land, and we must see that the conditions for those who live outside native lands are such as will encourage them to grow into skilled workmen with a high standard of living. By these means we shall get self-respect, and with self-respect we shall get discipline. We need to plan as we are planning homes for such men—homes, not houses. For good or for ill Kenya is one, and

[Mr. Hosking]

native and non-native advancement and prosperity are complementary and not mutually antagonistic. (Hear, hear.) Native policy is reflected in the estimates and laws which are debated in this Council.

The hon. mover asks that non-officials should be associated more closely with the formulation of native policy as regards welfare. I welcome that offer wholeheartedly, but it is difficult to see how we can do much more than we are doing to-day. The principle is clearly laid down in the Joint Select Parliamentary Committee Report—I will quote as little as I can: "Successive governments have recognized the wisdom of enlisting the advice and help of the non-native communities in the carrying out of their trust without, however, divesting themselves in any way of their full responsibility. They hold that a trustee, in the execution of his trust, may wisely call in those who are capable of assisting him in its execution . . . in a wider sense the obligation to advance the interests of those races lies on every person of a race more advanced in civilization. Every settler, every merchant, the Indian or Arab as well as the white trader, every missionary, every visitor even, shares the obligation to help the native races to advance in civilization".

It has been stressed to what extent unofficial co-operation has already been obtained. We start with the Executive Council: it has four unofficial and four official members under the presidency of Your Excellency. The Native Lands Trust Board, I think, is a very good instance: although it has an official chairman all other members are unofficial. Throughout all committees—the Standing Finance Committee, the Water Board, the Land and Water Conservation Committee—there are a number of unofficials too well known for me to stress this point. Recently there has been formed in Nairobi an African Social Welfare Committee with nine officials and twelve unofficials. I want to enlarge shortly on that committee, which came into being owing to an offer by the Social Services Committee of the Nairobi Rotary Club, which offered its help which was welcomed by the hon. Chief Secretary. There

are on that committee representatives of all bodies interested in this most interesting subject: the Municipal Council, the Rotary Club Community Services Committee, Chamber of Commerce, T. C. H. Medical Officer of Nairobi Municipality, Chairman of the Health Committee of that municipality, missionaries from the C.M.S., R.C.s, and so on and so forth, a most representative committee dealing with a vital subject. At our first meeting we reviewed the social services that were already existing, and we are going on to see how those services can be augmented and improved. Then we come to the Native Welfare Committee. That committee came into being to co-ordinate the work of the welfare departments of Government and it may well be that the time has come when we should welcome to that committee non-officials who are more closely in touch with natives than we are ourselves. That is the view I hold myself, and I know that view is shared by other members of the committee.

As to the representation of native interests, the question of the voice of the African is always before Government. Sir Henry Moore, in replying to a local native council address of welcome in Central Kavirondo, stated, it was a written reply: "His Excellency assures you that he is very anxious that native interests should be represented on Legislative Council by persons fully conversant with your requirements and wishes. To that end he has ordered that your representatives on Legislative Council should be invited to attend the meetings of delegates from local native councils which with His Excellency's approval are held twice a year, and he hopes that in this way local native councils will be kept in closer touch with those who represent native interests in Legislative Council". I do not share the view of the hon. member Mr. Shamsud-Deen that there are to-day natives who could take part profitably in debates in this Council. The part they have played on committees and boards has not hitherto been impressive, and I hold that though there is no objection in principle to natives representing natives in this Council, the time has not yet come when we should require individual natives to do so.

[Mr. Hosking]

My hon. friends and I have tried to show that we know what we are doing, that in spite of difficulties we are achieving and have achieved results, though these by no means satisfy us. We welcome the assistance of non-officials, we make full use of their assistance, and are prepared to make even fuller use as the need arises. I am grateful to the hon. mover for this offer, and I can assure him that anyone whose interest in natives is genuine and practical, both in this Colony and outside it, is my friend, even though we may not always see eye to eye and although he reserves the right to criticize me and keep me up to the mark. Whatever may have been the shortcomings in the performance of our policy, we can at least boast that we have taken the natives with us. We have won and kept that confidence, they have stood by us and helped us by every means in their power in this our hour of stress and danger. (Applause.)

MR. HARRAGIN: Your Excellency, I rise also to support this motion, though probably from a somewhat different point of view. I consider that a notion of this sort is typical of the British race. The hon. member opposite, quite rightly, is as anxious as those on this side of the Council to see that the best is being done for the native population and he always has that before him. But what is so typical of the British race is that he forgets to say what is actually being done, and this debate has given us an opportunity of listening in detail to what in fact has been achieved by the various departments over the last ten or fifteen years. I suppose the most typical example of what I mean was given by my hon. friend the Director of Veterinary Services when he told you of a settler who took him to task for not having told the country about some grass which should be grown which the settler had read about in a South African paper, and we find that it was only because he would not take the trouble to read in a paper issued here where the same thing had been printed six months earlier. But that is the way of the British and that is the way we will advance for all time. On the one hand you have those on the other side of the Council who are look-

ing into the future as visionaries, seeing the reserves as they would wish them, and on this side you have the same thing being done, except that you are further told what has been done in the past and what will be done in the near future. I feel that from another point of view I must warn every speaker who has spoken so far and that is this; that whereas it is perfectly true that all heads of departments should be stimulated to pursue energetically this policy, if by energetically you mean, let us say, that the Director of Medical Services is going to be asked to build more hospitals or that the Director of Education is going to be asked to build more schools, I can tell you here and now that in the immediate future there will be little hope of either of these things happening because of the shortage of man power and the shortage of material.

Now, that is all I have to say on the general question. With regard to what has been said by the hon. member representing Trans Nzoia I of course agree with him that so far Government has failed to eradicate all the goats from Kenya, but I would also say this, that Government for once has been clever and, so far as the goats in the highlands are concerned, we have passed the buck, so to speak, on to the unofficial community, for, as you know, it is now in their hands, if they so desire, to remove the goats from the particular area over which they have control and I only hope that the hon. member will use his influence to see that this is done, if for no other reason than that it will be an excellent example to his African neighbours. I was a little surprised at one point that he made that seemed to infer that the unofficials of Kenya to-day were not being asked to play their part as much as they should be. Yet, as the hon. member knows, I suppose I preside as Chairman over as many committees, boards and what not in this country as most people, and I can assure you that I can only think of one of those committees where there is not in fact an unofficial majority, and if I had been asked I would have said the unofficials were playing their part as they have never done before in the history of Kenya, and playing it well. To chose this moment as

[Mr. Harragin]

the time to criticize Government for not taking them to their bosom is, I think, a little unfortunate.

There is one point of considerable interest that I would like to take up, and that was the remark made—I thought of course that it would be made in the next motion which is down on the order paper, but it has been brought into this one so I presume. Sir, I am entitled to deal with it—and that was the criticism of one of my boards made by the hon. Member for Nyanza, and I was criticized, or my board was, in two particulars. The first particular was that I did not abide by the regulations which I myself had drafted and had not consulted the local committees, and the second point was with regard to the issue of a meat ration which we had laid down for conscripted labour. I am afraid, like so many of my own profession when they go into court, the hon. member was very imperfectly briefed, and I will just give you the history of what exactly happened with regard to that ration before it was issued by my board. In February of this year, when these committees were only in the offing and had not yet come into legal being, and realizing that we would want their advice as soon as possible, a letter was sent out to the person whom we knew would be Chairman of those committees in the district, namely the District Commissioners, and they were specifically asked to call an unofficial meeting together of those who we knew would in practice be on the committee in the very near future in the legal sense, in order that they might send in their recommendations to the Central Board. Most of them did so. But this particular committee to which the hon. member refers did not meet until April. They then, if you will believe it, passed the following resolution: "That it would be impossible to lay down a hard and fast rule for a ration scale throughout the district as it would vary from estate to estate", and that was sent in to help us lay down a ration scale in black and white up at headquarters here, and these are the people who are now complaining that they were not consulted! I will go further and say this, that in spite of that lack of help from that particular committee—and I may state it is the only

committee in the country that has failed to co-operate—we have consistently, whenever they have put in an application, endeavoured to meet them. They have written from time to time suggesting rations which the board, for reasons I will give you in a moment, would not look at. However, on the last occasion they were apparently in more reasonable mood and they sent up alternative rations which I am pleased to be able to tell you we were able to accept, so that even that committee has little to complain of. I forgot to mention one small point. When we sent out our original circular to these committees—and it was published on the 24th March—having set out the suggested ration, we said in addition that "there is no objection to the inclusion of suitable alternatives which are not mentioned herein and any suggestions will be welcomed". Well now, any committee receiving a circular of that description could see that we were not only seeking their advice, but were asking and suggesting to them that they should think out the best alternatives in those particular districts, and if in any way possible we would incorporate them when they sent them up; but no, this particular district just washed their hands of the whole thing and refused to co-operate at all. That is the position with regard to the particular committee which the hon. member was referring to.

Now, just as a matter of detail, a point was made of the fact that this stupid board, who knew nothing about conditions in the country, had, in a place where there was no meat to be obtained, summarily laid down that a pound of meat per week should be supplied. In truth and in fact what we did say was this; that there should be supplied one pound of meat, or one pound of fish, or four pints of skimmed milk, or seven ounces of meat powder, and later on, at their suggestion, we included a certain amount of soya beans instead of the meat ration. Can you conceive of a more reasonable diet than that? We endeavoured to visualize what would be obtainable in each particular district, we gave them alternatives, and in addition, at the bottom of that circular we said "If you cannot get any of these and you have something else which will be of equal nutritional value, then write

(Mr. Harragin)  
up and we will see what we can do about it". It might interest you to know what this particular diet consists of; it is the diet for light industries which the hon. Member for Nyanza was referring to. There is a daily ration of two pounds of maize (and I am now not going to deal with all the alternatives because time is late) but it will give you an idea of what we are driving at. Maize meal is what is known technically as supplying carbohydrates; the animal proteins we find in meat or in the other things I have mentioned; fats in ten ounces of ground-nuts weekly, and sundries in three and a half ounces of salt. And if anybody can suggest that that is a ridiculous ration to declare to be the necessary ration upon which a native can be expected to work (except for this particular committee to which we have referred) then I would like to see them. (Laughter.) And I may say that, however bad it may be, this committee is the only one with which the board has had the slightest trouble and which has not met us in every possible way. In this connexion I cannot do better than to read to you from an article that appeared in *The East Africa and Rhodesia Journal* published in June of this year, long before they knew of the rations that we had laid down for these people:

"Though much has still to be learnt about dietary in Africa, such valuable investigations have been made in recent years that a great deal of useful knowledge is now available. There is a widespread recognition of the importance of a balanced diet conforming to modern scientific requirements, and it would be difficult to find an employer who to-day believes (as was quite honestly believed by officials and non-officials alike a quarter of a century ago) that the African can be satisfactorily fed on a couple of pounds or so of maize meal daily. Large employers of labour have proved by practical experiment over periods now running to years that the provision of much more expensive foodstuffs abundantly justifies itself by keeping the men in better spirits, by decreasing the great handicap of absenteeism, and by raising the general level of output. The longer the war lasts the stronger will

grow the tendency among able-bodied Africans to regard the Army scale as normal, and therefore as a criterion when considering employment in peacetime. Industry and commerce would be well advised to give present consideration to this prospect."

Thereby the editor of that journal expresses to a great extent what I and my board feel. I have no hesitation in saying that the employers generally in the country—and particularly of heavy industries—have responded and agreed with alacrity to all the suggestions that this board has made, and I can assure you that if there is any criticism to be levelled at this board, it is only that they have not prescribed more instead of less.

*Council adjourned at 1 p.m., and resumed at 2.30 p.m.*

MR. COOKE: Your Excellency, I should like to thank you first for allowing this motion to be accepted, and for the kind reception which, on the whole, it has received. There have been one or two exceptions, and the first I must refer to—unfortunately he is not here, he seems in the habit of leaving after making a bellicose speech—are the remarks of the hon. member Mr. Shamsud-Deen. He has in the past year or so been inclined to criticize the functions of this Council, and always, indeed, has taken a jaundiced and pessimistic view, as has the editor of *The East African Standard*. I feel bound to say that if the first one holds those views his obvious duty is to retire from the Council, and if the second holds his views it is his obvious duty to get into the Council so that we may benefit from the wide vision he would no doubt bring to bear on our deliberations! The hon. member Mr. Shamsud-Deen referred to a house on fire. Well, it is because so many houses are on fire in Europe to-day that I have brought this motion. Edmund Burke, referring to the French Revolution, said that when a house is on fire it is time the neighbours looked after their own house. And it is about time we sent for the fire brigade, because I feel that unless we tackle the problems in this country we shall probably have this house on fire some day. That was the reason why I referred yesterday to the necessity of anticipating reforms rather than being compelled later on to submit to demands.

(Mr. Cooke)

The hon. member Mr. Shamsud-Deen said that the first thing was to win the war, and one or two others, including my hon. friend the Chief Native Commissioner, said the same thing. That is one of the truisms one hears nowadays and agrees with, but my submission is that as far as this country is concerned we can best help win the war by having a happy and contented native population, and that was the reason why I brought this motion. The hon. members Mr. Shamsud-Deen and Mr. Patel referred to direct representation. My objection to direct representation is not that I think the African would be too vocal in this Council but not vocal enough. Any of us who have been on committees on which there was an African member have, I think, been struck by the fact that the African will not open his mouth and we are consequently quite unable to obtain his real views. I therefore think that at the present stage he is much better represented by some militant members of the European population. The hon. member Mr. Shamsud-Deen referred to the youthful Demosthenes, the African, who outwitted him in speech at Pmwani. There might be two interpretations to that; possibly the hon. member's eloquence was not quite so good as is sometimes evidenced in this Council!

The hon. member Mr. Patel and I see eye to eye on many things, but I think that on this occasion he tried to slip a rather quick one across me, and if I had not accepted the amendment offered by him this debate would probably have fizzled out, and I do not think, with all due respect to my hon. and learned friend the Attorney General, that I should have had the right of reply. It strikes me as a rather remarkable thing that I, as a fairly recent member of this Council, should have had to bring this motion, whereas the hon. member Mr. Patel and other Indian members who agree with him have been all these years on this Council without bringing a similar motion! But I am glad to hear them say that they wish to be associated with it. Yesterday the hon. member Mr. Patel assured me that he would break down this trade union of Indian craftsmen who have refused to impart their knowledge to Africans. If that can be done, this

motion will not have been unfruitful. The hon. member seems to think that the line I have taken I took in order to preserve European solidarity. I think my colleagues on this side will bear me out that on frequent occasions, certainly at the elected members' meetings, I have rather taken the Indian point of view. The hon. member asked if I would like aliens associated in the government of natives. Frankly, I would not, and the reason why is the reason that at the moment I do not desire Indians to be associated, not because I do not think the Hindu culture may not be superior to ours—if we had a visitor from Mars he might pronounce Vishnuism to be a higher cult than ours—but we shall fall between two stools if we try to impart to the African a culture and civilization based on two nations' outlooks. I think that would be doing a great disservice to the native.

The hon. Director of Education pointed out, as others did, that European non-officials are very much associated with Government, and I have never denied that. He talked about the educational superstructure. I am, however, more concerned with the foundation. It does not matter much whether the superstructure is sound or not so long as we have a sound foundation. I do not think he need be perturbed about the remarks of the hon. Member for Kiambu. He rather fears she will have on this Council of hers some young men from the universities of Oxford and Cambridge steeped in the socialism of Karl Marx! What she really intended was that officers of ten to twenty years' standing, who take an intelligent interest in native welfare, should be on this council she suggested. And I am sure the first to be put on such council would be my hon. friend, whom I should like to say we regard as one of the brighter young things on the other side of this Council! I should like to acknowledge with gratitude the reasoned speeches of my hon. friends Mr. Fazan and Mr. Tomkinson, Provincial Commissioners for Nyanza and Central Provinces. It is especially pleasing to me to have old colleagues of mine associate themselves so heartily with this motion. The hon. member Mr. Fazan said there had been a good deal of association with Europeans. That is very true. On the



[Mr. Cooke] other hand, in certain things like maize control, meat control, individual tenure, and one or two others that I could mention, perhaps if there had been more association some of the mistakes might have been avoided. I think he made a good point about preserving the depots after the war, and here I should like to reply to the hon. Member for Nyanza that the Post-War Committee has considered preserving these depots and the present structure by which the Military Labour Corps and Pioneers, for which the hon. member has done so much good work, should perhaps carry on soil conservation work and that sort of thing at the end of the war.

The hon. Member for Mombasa and the noble lord the hon. Member for Rift Valley referred to the lack of discipline among natives. That is another thing with which everybody entirely agrees. But there is more than one side to this matter. I think everybody will acknowledge that the ordinary tribal native is a decent, well-mannered, well-disciplined fellow, but I am afraid that we must confess that when he becomes detribalized he shows the worst side of his character. For that reason it is up to Europeans, especially after the war, to see that the European standard of character is kept as high as it can be in dealing with natives. I am sure my hon. friends will be the first to acknowledge that. Regarding native welfare in towns, to which the hon. Member for Mombasa referred, I overlooked that point, but one or two other members have referred to it, and I entirely agree with them. The noble lord referred to Dr. Aggrey in very complimentary terms. I might also quote what Dr. Aggrey said, "that only the best is good enough for the African", and I think we must try to give him the best. I entirely agree with the noble lord about education, and we must not make the mistakes that occurred in India, but it is not so easy as it looks because the African is suspicious of any attempt not to impart the knowledge we possess ourselves. Macaulay remarked that we cannot impart knowledge without stimulating ambition, and that is the difficulty in matters like this. If the sophisticated African was as good a fellow as the un-

sophisticated African there would be much less trouble in this country.

I am glad that the hon. Member for Uasin Gishu referred to the need for extending pioneer training. That is one of the things the Post-War Committee should take up. And I am glad the hon. Director of Agriculture put cash crops only fourth on his list. We are gradually educating him, or perhaps he is educating us, but I think it is a great thing not to put too much emphasis on cash crops. It was good to hear him say that as soon as possible after the war we must restore the present condition of the land, and that will be one of the first objects of the Post-War Committee of which the hon. Director of Education is now chairman. I am not referring to the speech of the hon. Member for Nyanza, because that has already been dealt with. To come to my hon. friend the Director of Veterinary Services, I am very glad he has given me an opportunity, an opening, which I have been waiting for for some considerable time. Actually, he struck the one discordant note on the other side of Council. He says, or seems to think, that we are doing as much as we can or are doing a great deal for the natives. I should think that one of the things most people criticize in this country is that we are not doing enough. For instance, he said here about two years ago that the reason native cattle in the reserves could not be sold or were not being sold was because it would adversely affect the price of European cattle and so he did not want too many native steers put on the market. That is hardly . . .

MR. DAUBNEY: On a point of explanation. I did not say I did not want too many put on the market.

MR. COOKE: I accept that, I did not mean to say that—the settlers or whoever was concerned did not want them. The obvious reply of my hon. friend if he were a strong-minded man was to have sat up and said "I won't have it and will resign sooner". That is the line he and one or two others might possibly have taken, and the same thing applies to meat control. Many Africans are not receiving fair prices for their cattle, and it is precisely the reason why I brought

[Mr. Cooke] what my hon. friend thinks is an unnecessary motion, because this kind of thing is happening, and some of us are out to see that the native gets a square deal. I am glad the hon. member talked about ranch live stock on a large scale, because it does seem what we must aim at in connexion with the tribes concerned. I have referred to the good speech of the hon. Provincial Commissioner, Central Province, which he made this morning. He is very interested in post-war development. I am only sorry that he is not on the committee.

I must thank my hon. friend the Director of Medical Services for his whole-hearted support of the motion. Whether we always agree with his methods or not, he is one of the few men who have given whole-hearted support to native welfare. I think the suggestions he made this morning as to the lines on which we should proceed are very sound, if I may say so, and very constructive. The hon. Chief Native Commissioner in his speech—I have never seen him in better form—gave us some straight knocks, and I, being an old antagonist of his, certainly welcomed it. He prayed for a far-seeing policy, but I think he said, and he received a lot of applause from the hon. member Mr. Shamsud-Deen, who must have agreed to that, that this motion was untimely. Well, I do not think so. It is timely for the reason that natives, especially the thinking natives, want to know what is being done, and I think we have given them a pretty good answer to-day. I personally think the greatest asset of the country is, with the exception of my friends the settlers, the natives, and unless we keep them happy and contented we are in for a serious time. I am surprised at the little increase in the amount for water supplies, which in about six years has only risen from £1,000 to £3,000. I really think that is an appalling omission, for nothing is so important in this country. However, the other figures given by the hon. member were fairly impressive.

Of course, he is right about making haste, but you can make too little haste as well. He quoted the Bible, and I might quote it too—"that hope deferred maketh

the heart sick". (Laughter.) If we go on postponing these things the native will naturally get a little suspicious. I do not agree with what he said about the maize question, because Government made a first-class blunder, and the best thing would be to withdraw and apologize and take the advice of sensible people like the members on this side of Council. (Laughter.) In the end they will find it much the best thing to do. He referred to Executive Council having responsibility. I wish Government would listen more to unofficial members, which was the point I tried to make. I am not complaining that we have not enough representation, but that unfortunately our advice is not taken. Now, coming to my hon. friend the Attorney General with whom I have often crossed swords. The hon. Member for Nyanza is well able to look after herself, but she has no right of reply, and I think it only fair to point out that with the great forensic ability which the hon. and learned Attorney General possesses he was able, as he often does, and the hon. Solicitor General as well, to attack one or two particular instances. That is very easy to do. I am going to now! and I would refer my hon. friend to the Central Wages Board, to what I regard as a gross neglect of duty by that board with reference to a sugar estate on the coast. That sugar estate was given conscript labour—my hon. friend will correct me if I am wrong . . .

MR. HARRAGIN: Yes. On a point of order, they have not in fact got one single conscript labourer!

MR. COOKE: I find that, with all due respect, very difficult to accept, but I must accept it. I must be referring to another estate! (Laughter.)

MR. HARRAGIN: I am well aware to what estate the hon. member is referring. It is true they applied for conscript labour but, in fact, it was unnecessary for them to take that labour, because labour came forward voluntarily.

MR. COOKE: I will take on my hon. friend on that point! The Central Wages Board was prepared to provide conscript labour on terms other than the terms on which conscript labour is usually employed, and in fact that estate was permitted to employ Kavirondo labour,

[Mr. Cooke] which lives on meat and fish, without either of those articles being supplied. I have the greatest respect for the religious susceptibilities of any race, but I do not see that any one, whether European or Indian, should be allowed to cash in on religion. I do hope that Government in future, especially with conscript labour, will see that there is not even a suspicion of that sort of thing happening in future.

MR. FAZAN: On a point of explanation, Sir, I do not know if I am right in saying that it was the Ramisi Estate which was referred to. In fact they have had conscript labour which may not be known to the Director of Man Power; we have sent some, and in case there is any misapprehension it is my duty to say that.

HIS EXCELLENCY: I do not think I can allow any more hon. members to make a second speech.

MR. COOKE: In any case, it is not a matter of great importance, except that I do think that in future if any firms do ask for conscript labour no exceptions should be made or even a suspicion of exception. I think I have dealt with every point, and I apologize if I have not, but probably the debate has lasted long enough. (MR. MONTGOMERY: Hear, hear.) I am glad my hon. friend has reminded me of a matter (laughter), for it has struck me as a little strange that his colleague is not here to-day, but I understand that he has deserted the Africans for pyrethrum! It rather reinforces what I said, that the natives are inadequately represented, for I noticed from the corner of my eye the hon. member Mr. Montgomery leaving this Chamber about half-past twelve at about the time when I was expected to reply to the debate. I am glad he has reminded me of that fact. (Laughter.)

The question was put and carried.

#### RATION SCALE FOR LIGHT INDUSTRY LABOUR

##### MOTION WITHDRAWN

On the next Order of the Day being called from the Chair—"That in view of the fact that farmers have no margin to face a rise in the cost of labour and

that conscripted labour is a necessity if increased production is to be maintained or developed, steps should be taken to ensure that the ration scale as at present laid down for light industry shall be immediately drastically revised".

LADY SIDNEY FARRAR: Your Excellency, I beg leave to ask permission of Council to withdraw the motion standing in my name. (Applause.)

MR. SHAMSUD-DEEN: Before the question is put, I wish to say something on the withdrawal if Your Excellency will allow me now. All I wish to say is that these motions are put forward and are withdrawn which causes a great deal of loss of time to members who prepare themselves for the debate by spending hours making ready arguments on the subject and then find the motion has been withdrawn. It is a practice to be deprecated.

HIS EXCELLENCY: I take it that Council agrees to the motion which was to have been proposed by the hon. member for Nyanza being withdrawn?

The motion was by leave of Council withdrawn.

#### POST-WAR RECONSTRUCTION AND FINANCE

MR. VINCENT: Your Excellency, I beg to move: "That adherence to a considered programme of planned development covering a period of years ensuring permanent benefit from agricultural, industrial and economic reforms introduced since the outbreak of war, is essential to post-war reconstruction and to continued progress in Kenya. Government should, therefore, frame its estimates for the financial year 1943 on more original and comprehensive lines than in the past, thus clearly indicating determination to face the difficult problems which lie ahead."

I do not know how many members of this Council happened to be listening in to the radio after the news last night, but I happened to be, and if there had been any doubt in my mind as to this motion being appropriate at the present time—and there certainly was not—the analysis which came over from the British Broadcasting Corporation on post-war plans and post-war endeavours would have completely reassured me, and I do

[Mr. Vincent] subscribe most sincerely and intensely to the remarks made by the hon. member Mr. Cooke deprecating the statements of the hon. Chief Native Commissioner, and the hon. Shamsud-Deen that the only thing that we should do at the present time is to get on with the war. Not only do we want to make certain of winning this war but, though I dislike the use of hackneyed phrases, we want to win the peace also, and if we have to work twelve hours a day in winning the war let us all be prepared to work the other six which are so vital in the interests of peace. Now, last night this broadcaster, an official of the British Broadcasting Corporation, gave a most interesting analysis of what had been done and of the enormous problems which face Britain. He referred (and I will just take this point very briefly) to the very careful consideration given to this matter by chambers of commerce, British industrial groups, and a host of parties and public bodies, and I naturally agree with him when he said the most colourful, but the most insincere of all, were the views of what he described as political parties—political pictures—in order once again to get the poor unsuspecting British taxpayer to believe something fruitful was going to happen after the war. But one thing which struck me very forcibly was the reference to population distribution in England—or, shall I say, in the British Isles. Another important point was the body which has been set up, and I think I have got this right, with a view to examining the possibility of doing away with voluntary subscription and charitable hospitals in England. In another phase of his speech he drew attention to the fact that all the various schemes had taken into consideration international relationships, but there was an entire lack of any reference to inter-colonial problems in regard to post-war development, as is seen in England to-day.

In my life I try never to look back: I look forward—not that I have got a particularly murky past (laughter), but we must look forward. This resolution of mine, Sir, as you know, has very wide scope and I am not going to waste Council's time if I can possibly avoid it, but I find Legislative Council a place though, where you should be able to

leave a lot to the imagination of the listener, but you cannot do it, not because it is not intellectual but because, as in court, unless you dot your I's and cross your T's you are likely to be misinterpreted. There are two aspects of what I am trying to convince Council, and one is certain post-war progressive plans. The other is one which we all admit, if we are honest with ourselves, and that is we have got to pull up the lag; we have lagged far too far behind in the last decade at least and programmes are sadly in arrear. I have had it mentioned to me that it was possibly the wrong time to attempt to move this motion before the Council as the Governor was at present in England with what I consider a very formidable task, covering a large variety of subjects, but in my opinion the subject which we are going to discuss now is the most important subject that confronts this country or which has ever confronted it, and I believe that if this Council were able to agree with this motion it would strengthen the Governor's hands to do as the Council wishes in the interests of the whole of this territory. It is imperative that we should realize our responsibilities now, and we have definite responsibilities to three classes of people, and I should like it to be understood that my remarks also cover co-operation and inter-relationship with the native interests and with Indian interests, as they are part of the whole picture. Firstly, I do refer more especially to the youth of Kenya, because it did not take the war to teach me the immense value and the immense self-reliance of the youth of Kenya. As an employer of all types of Europeans, local, from overseas, and from other dominions, I have come to the conclusion that the youth of Kenya holds its own, if he is not actually well in advance every time in comparison. Secondly, the man serving with His Majesty's Forces. Thirdly, the man in the street. I want Council to understand that I have a firm belief that the next century will probably belong to the man in the street. I have that conviction. There will be far greater changes, world-wide changes, which are going to affect this country more than any of us could conceive, and so with whatever difficulties we are confronted I believe that we must now take a dispassionate view

[Mr. Vincent]

and try to forget old concepts, old systems and old ideas; let us try to look into the future and be honest with ourselves and not wishful.

The first essential for any scheme for progress in this territory is planned settlement and marketing, and the fundamental of that is land. Now, land is going to be a vexed question, a very grave issue in this country, and I would venture to point out that coal was nationalized in England a short time ago, and land is Kenya's coal. I understand that 7,000,000 acres of land have been alienated under varying titles to Europeans, of which 500,000 are freehold and the balance leasehold, and I understand that the unalienated land available today for a white settlement scheme, of desirable quality, is entirely insufficient for this purpose. This is not a new question; it is not a war question; nor is it something which has been rushed on the community, because as far back, I understand, as 1917 (and I am certain that the hon. Commissioner of Lands will correct me if I am wrong) lists of undeveloped farms were prepared and it was proposed to send warning letters to landholders who had not kept their leasehold terms, and it was proposed to tell them either to relinquish them or to carry out the terms. In May, 1939, just prior to the war, it was recommended that the lists should be brought up to date and that warning letters should be issued; then the war intervened. I know that the Land Board, which is a very strong and representative body, is going to discuss this question before the end of this month, and I do want Government to take the most serious view of this question, because it cannot be delayed any longer. I would here say that there is no intention on my part in bringing this matter forward now to take any undue advantage of anybody serving with His Majesty's forces anywhere in the world, but we have to face facts and we have to face them with courage. Whatever scheme is brought into force for the re-acquisition of land for the very lifeline of our progress, I hope that that scheme will ensure that every particle of land in this country is put to the best possible use as soon as ever

possible. Accompanying land, I naturally have not disregarded the fact that water is a necessity, and the question of providing every farm with water is urgent, and it must not be as it was after the last war when we had the pitiful example of soldier settlement farms with the dire results.

We have advanced in one respect to a far greater degree than I could have dreamed of years ago, because of the courage Government or somebody has had in going forward with the production programme. I believe, although some people have some nervousness as to its financial result, that a great deal has been done; more progress and more co-operation has occurred through the production committees of this country than could have seemed within the realms of possibility years ago. Mistakes may have been made, but underneath it there lies a deep sincerity of purpose, of achieving something for this country, and I believe that to these people who have been responsible for this progress the country owes a great deal. With production (it does not matter quite so much in war time because there is no normal trade, the Ministry of Supply buys practically everything we offer) but accompanying production you must have planned marketing, and on such marketing boards or bodies if this country is going to do as I hope and be financed and properly developed by the home government, you should have government representation and the best brains in the country must be on the marketing side of production. Market in bulk so that you have the strongest weapons with which to go into the market. I believe that production should be planned in each district so that that district produces the commodity best suited to it and in conformity with market requirements. In bringing settlers here—and as I have seen before a lot of people who come to this country seem to think that farming is a child's game, that you have only to put something in the land and nature does the rest—we want to eliminate, to the greatest possible extent gambling and speculation in regard to land, and I do hope we will keep out under the land settlement scheme this undesirable type of settler. (Hear, hear.)

[Mr. Vincent]

In every trade in the world and in every phase of national finance you have equalization, equalization of dividends, equalization of exchange. We should have the same in marketing, and there is no earthly reason why we should have to go back (and I shall have to refer to it presently) to these depressions. You are bound to get them, but there was never any attempt—made in this country to meet them: as soon as a depression came, it was a case of cut expenditure, and cut again. If the farmers of this country had been helped on the marketing side by Government at that time, if the farmer had had a guaranteed price so that he could get a fair return for his labour, and if marketing had been intelligent, depression could have been obviated to a great extent, and the dire results to this country would never have happened. I am not theorizing; I hate theory. I want just to take your minds to a fair parallel. Take tea. There you have Government representation, and in a measure Government control, world-wide control, probably the best investment, or one of the best investments in this country. Take the progress made by the Co-operative Creamery; it is being handled more on scientific lines. With what result? Take also the Kenya Farmers Association; they have their weak moments I understand, but they have achieved an enormous amount on the bulk co-operative basis. There is no reason to suppose that that could not be done with every commodity which is produced here, and I will just say here and now that there is no earthly reason why, if the natives can produce a commodity for export, they should not take part in the general picture.

Now, added to that is the much vexed question of secondary industries. You have only got to go to South Africa to get an example. If you want to find out the difficulties in regard to secondary industries you have only got to inquire and they will tell you all the snags. And in suggesting that the Colonial Office or the Home Government policy towards secondary industries must be changed—and I will give you reasons a little later—I do not want you to think that I am suggesting that you are going to import all the raw materials and set up a tariff

and call that "secondary industries". I regard secondary industries of the greatest importance to this country, not only to the white races and the Indians, but also to the natives. We are getting in the towns large numbers of natives who will never go back to the reserves (and I hope the hon. Chief Native Commissioner will forgive me for saying this), they will become townsmen and like the towns, they will like the environment, and from my own experience many of them are very excellent craftsmen, and we have got to find work for them in our factories, in fact, a future for them, and then if they receive a just return for the work they do their demands for other manufactures from the British Isles will increase because of their ability to pay, as has happened in South Africa. That is the view you have got to take. Obtain the greatest of value of everything we produce in this country in its best possible form, manufacture and sell it here and, if you have a surplus, as you will, then such surplus goes to the raw material markets of the world, but I cannot see the perpetuation of a policy which robs us in this country of the fair value of the sweat of our brow.

When I listened in—you probably think I am a radio fan but I am not;—on the 11th September I heard a very pleased voice making an announcement, which I think had been sifted through all the ordinary intellectual channels and channels of stupidity in the Ministry of Information in England, and it was to this effect. When Italy entered the war she had in Abyssinia 200 'planes, 400 guns, 300,000 troops against our seven obsolete 'planes, no guns, 4,500 troops and 1,000 reserves. That was announced as a marvellous picture. It certainly is a just tribute to the bravery and sagacity of the troops who went into Abyssinia, but I think it was more of a miracle. I do not wish to detract in any way from the bravery which occasioned the taking of Abyssinia, but on the debit side, what an indictment! What a confession! A complete confession of breach of trust, of that trusteeship of the natives which we have howled about in England so long; and, if it were not impolitic, I would go a step further and say the people we were supposed to protect had to come and help to protect us. The

[Mr. Vincent] answer probably from the other side of Council—though I hope it will not be—is “That was not the Colonial Office, it was the War Office”. But I cannot accept that, in view of other examples which we have had. It is apparent to me that that is nothing new but continuance of what has been going on in this country to my certain knowledge for the last thirty years.

I say without fear of contradiction that no adjectives can adequately express the extreme contempt on the part of every honest man in this Colony at the inefficient, incompetent, and evasive methods of those in London who have hitherto framed the destiny of our colonial policy. What has been the effect, and what has caused niggardly financial policy? Probably, as I said during the election campaign, it is the party system in England, where *tax*, on or off income tax may cause the fall or rise of a Government, and His Majesty's Treasury in England were instructed accordingly. The immediate effect on this territory in every department, except one probably, has been an entire inadequacy, and I believe that if the question was asked of heads of departments for the last thirty years whether they had had enough money and men to do their job properly as they would have done if they had their own businesses, they would emphatically say no. Further, this policy has culminated in an extensive and persistent dissatisfaction in various categories of the Civil Service. I do not mind how it happened, I know it is a matter being discussed now by the Governor I understand and is more or less *sub judice* and I will not say anything more about it, but the home authorities are completely to blame. We actually suffer monetary losses as well as real losses. Take your Customs Department. If it had been properly manned we would never have had the customs scandal with which the country was faced nor lost the amount of money which was lost to us, the real amount of which will never be known. Take soil erosion, the department dealing with this has never been adequate for the work. It is only now at this time that we start talking about soil erosion, whereas if the department had been adequate they would never have been faced with the

magnitude of the task they are to-day; it could not have happened. And re-forestation. I believe that the extent of the department's activities has been controlled by its revenue, a broader view has never been taken. You cannot run a business that way. And very often where little money has been spent, funny though it may seem, it has caused greater losses than if none at all had been spent and a great deal more harm has been done in consequence. Your road policy? Hopeless. I remember assisting to plant mealies in Government Road many years ago when McGregor Ross was Director of Public Works to demonstrate its condition. We have never had enough finance of equipment to do the roads. I was ashamed when I met an American lady in Capetown last year who was just back from Abyssinia and Kenya. I was ready to hear her say “Well, you British have done a fine job in Kenya compared to the Italians”. I was very much mistaken. I was talked “roads and roads” until I was absolutely sick; and she went back to America and gave the American people a picture of so-called British colonization as against Italian colonization. What hurt me most was that it was probably our money which we loaned the Italians that they did it with! (Laughter.) Then you have the police force. You need a very very much stronger police force than you have ever had, especially to-day.

There is only one happy aspect of finance in this country departmentally to-day, that is the Railway. I do not want to embarrass the hon. General Manager, but if I wanted to thank God for anything in this country I would say there is one thing we have to thank Him for, and that was for allowing a gentleman called Hammond to come out here in 1921 and put the Railway finance in proper condition. I tremble to think what state the Railway would have been in to face the traffic at the beginning of this war unless they had had financial intelligence and a good policy, and I should like to take the opportunity of paying the most sincere tribute to the sagacity which was behind the preparedness of the Railway and the excellent job they have carried out during this war. (Applause.) That is only what should be done, because they had the right amount of money to do it with and have the

[Mr. Vincent] right men who conceived the plans and carried them out, and have the finance to employ every man adequately, which no other department has ever had to my knowledge.

What is required? It is very easy to criticize, but what is required is constructive criticism. It is just as easy for me, however, to tell you in this case what is required as it is to criticize. I heard an hon. friend this morning who gave a profound warning in the opulence of his wisdom that men and materials are not available to carry out the work to-day. I agree. But do not let us fool ourselves and fool the world, let us be honest with ourselves. Despite the fact that we cannot get men and materials you have got to provide finance for your normal programme regardless of the lack of men and materials, and unless provision is made in your estimates now and unless you are prepared to revoke money unspent every year until such time as you can get materials and men, it will be the case when you eventually are able to get the materials and men the money will not be available. That is where I consider the method which has been in vogue here for many years is entirely wrong. If a department does not spend its money within the budget period, the money is lost to it. I understand that one department at the end of one year went round buying anything because it had not spent its vote and could not get the money in the next year. We must therefore get definite finance for normal work and for the following plans now; it must be earmarked, because I warn this Council (and I do it in all seriousness) that at the end of the war we are going to be faced with the biggest howl from the home Government for rigid economy, and all the beautiful schemes you have spent hours and hours preparing will be sunk, and all those pathetic men coming back from the front and the youngsters growing up will say “What have you done, what are you going to do for us?” and we will say “We are sorry, we cannot get any money”. I have heard a lot about this Colonial Development Fund, and have heard most wonderful announcements from London recently. I submit we have a right as British sub-

jects to put our own home Government to the acid test of truth and say to them “These are our schemes, these are our responsibilities—we want the money now”. And I would rather see the money earmarked now than be dependent on any promises from London. To join my hon. friends in Biblical quotations I would say: “Ask and it shall be given unto you”.

The headings that I shall now refer to are matters that have to be done, and do not let us deceive ourselves that they are only things for the future. Even when the present school buildings were put up, I understand that they were not even sufficient for the children alive then, and on many occasions since our Education Department estimates have been cut. The schemes I press for are these, and I ask Government most seriously to consider them: White settlement and all its implications; water conservation, European and African; soil conservation, European and African; education (buildings and staff); agricultural and technical training; hospitals and maternity wards; African housing and development; re-forestation; planned road programme and good machinery; new Government buildings (offices and staff). I know it is not just a small programme, and I know it involves what is to us a large amount of money, but all are vitally essential. Apart from these there are changes we can make for the benefit of the community now. It has been said that State services are bound to come, and there is no doubt in my mind that they are surely coming. On the subject of education I am satisfied that there is not one in this country who could not afford to pay for the education of his children has failed to get it. But I have this quarrel: I believe that the system is entirely wrong. The system is a charitable one which has a nasty flavour to it. I know that there has been a committee of inquiry into expenditure on education appointed, and I believe that possibly one of the first things they will tackle is that the charges should automatically be on a means test. A man in the street earning £30 to £35 a month cannot afford a lot of money, and I know men who have paid and who should never have paid education fees, but they would rather pawn their shirt

[Mr. Vincent]

than accept charity; on the other side, there are a lot of scallywags who can afford to pay and have not. Any system which allows that is fundamentally wrong. Education is a very serious subject. In the past we sometimes could not realize that the greatest asset of our Empire was our youth. You can have all the money and business propositions in the world and you either wreck or make them by the men or youths who run them; yet, from my own experience of my own children, the lack of facilities here in the early days was pitiable. An enormous amount has been done, but we have got to go further in order to do the job properly and adequately. I think an increase in the number of bursaries has already been attended to, but I agree with the hon. Director of Education that courses and technical training in this country especially are of vital importance. I would invite Government now to start negotiations for acquiring at the lowest possible price the military machine factories and machine workshops now in operation—I believe that after the war, especially immediately after the war, it should be invaluable to us for technical training.

In the views I published during my election campaign, I made certain statements. One was on the subject of education, and the other on the subject of maternity. I find that there is a great, solid opinion behind me on both these points. I am now going to quote some figures, and I do not put them forward as invidious comparisons; I am quoting Government costs for hospital treatment for Government officials, and what I propose to ask Government to consider quickly for the next year's estimates is a schedule of charges for the man in the street. Government charges civil servants—it is part of their contract, I am aware of that, and it is quite an uneconomic one—Sh. 4 a day on incomes of £300 and under, Sh. 6 a day on incomes of £301 to £500, Sh. 8 on incomes of £501 to £700, and Sh. 10 a day on incomes of £701 upwards. I propose to ask Government to consider the following scale for Government hospitals for maternity and sickness for the ordinary non-official civilian population: A married man earn-

ing £360 per annum and no more, free; £361 to £500, Sh. 6 a day; £501 to £700, Sh. 10 a day; over £700, Sh. 24 a day. I will not quarrel with you if you alter the last three in any respect, but I shall quarrel most seriously if you burke at the £360 per annum per man free, because you have that level of wage or salary, and you know very well, every one of you, that a man cannot face heavy hospital charges or even doctor's fees on that salary and not get into debt. There are certain types of employment which do not permit the employer paying more than that salary.

Now I am coming to something with which I am really concerned, and I would quote the present scale of maternity fees charged by Government doctors to Government officials: £5 up to an income of £500; £7-10-00 from £501 to £600; £10 from £601 upwards. I have had the privilege, at their request, of meeting the British Medical Association. They saw that I referred to maternity and hospital fees in my election address, and asked me to meet them, and I was hoping to be able to put before you this afternoon definite figures of a proposition. Unfortunately, time has been short since I met them and they could not get the details together completely, but the President has authorized me to make a statement in the meantime as to the result of our discussions. As part of the whole scheme of giving the man in the street a chance to live on a decent level, they suggest the following: that maternity wings be provided at Mombasa, Nairobi, Nakuru, Eldoret, Kitale, and Kisumu. I would like Government therefore to consider now in these estimates that, until such time as these maternity wings can be erected and furnished, provision be made for the ultimate capital expenditure and also for the normal current expenditure, as if they were in being, so as to provide funds for immediately subsidizing maternity hospitals which are not Government owned. This is the statement by the President of the B.M.A. which he has agreed I should make: "On the matter of medical fees for the general public, the President of the B.M.A. informs me that his association will prepare a scheme of graduated fees if requested". As the result of conversations I have had with members of the B.M.A. I am confident that the

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country can rely upon their falling into line in this very important matter, especially in regard to maternity fees, provided Government are prepared to do so on their part, and there is no reason why this should be delayed and not included in the present estimates. This is not a small matter, but it is a matter about which we have no excuse for delay because we have it in our hands. I do not think we need even ask the Secretary of State to do it.

Another point dealt with this morning by means of a question is this other aspect, a subsistence allowance or pension based on a means test for aged people. I am quite certain that Government will change their views. Government surely cannot hold steadfastly to what they said this morning. After all, there is decency in everything, and they should allow this means test for aged people as a right. We should not allow them to be treated as beggars, for some old people in this country have earned their pensions by giving their lives to this country in a much better and fitting manner probably than any cabinet minister in England. I want Government to take a humane view, and not say that any regulations forbid it, that they have got to go to charity. I think that wrong, for there are a number of people in this country highly respectable, who cannot be deported for there is nowhere to deport them to, and surely this is not much to ask.

Coming then to the point, a rather vexatious point: what do the reserves in the financial statement of the country really represent? What do they represent? They do not represent reserves at all; we know that. They do not show contingent liabilities which are just and proper contingent liabilities, and which any auditor in the world of commerce would insist on your having in your balance sheet as such. I am referring to (and I expect there are many others which have slipped in, and I am not blaming anybody here—I am talking about the rotten system which has taught everybody in this country to deceive themselves) the widows and orphans pensions contributions appearing in the reserves—correct me if I am wrong. I do not know and you do not know how much is contributed. I only know that last year con-

tributions were £18,000 more than the outgoings, and therefore to me as a commercial man that is a contingent liability, no matter which way you look at it. It does not belong to you and it may run into hundreds of thousands of pounds. It is the system I quarrel with, because your reserves are such as give a wrong opinion as to how we stand, and gives people at home when asked to lend us money the opinion that we have a lot to play with when we have not, because it does not belong to us. I therefore seriously ask Government to issue a statement which is a true picture; I will not mention the word honesty because you have just slipped into it because of regulations given to you over a period of years, but if I was a Government official I would kick like blazes if my little amount contributed did not appear as a definite contingent liability. I believe there is every justification for it. Then you have the question of reserves for passages. I know that you can argue that away. Figures can lie and liars can figure. I know that, but why not face the position to-day? You know that you are obliged to pay these passages some time, that you may or may not according to the Secretary of State I expect only have one passage where a man has done ten instead of three years, but you have got to look at facts in the face, and make the necessary provision now—it is a liability—so that anybody can say "That is an honest-to-God statement, it is the true financial position of Kenya, we can stand on that". I have sympathy with the idea that in these schemes I have asked you to consider and provide for it is stupid to have to use some of your reserves and apply them to these particular things. That should not be, but you should have a static relation of your reserves to your commitments so that you can carry on each year on a basis of equalization. I think we should apply as much as we conscientiously believe we are able to to these schemes, leaving adequate reserves after providing for all contingent liabilities and then go straight to the Colonial Welfare and Development Fund and say "This is what we want, this is what we have done, and this is what we are going to do", and I believe you would get the money. For one reason I do not believe that any country has had

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the courage to ask in that way yet, and it is about time that we took the lead.

I just want to talk for a moment about the latest word picture which came from the lips of Mr. Harold MacMillan who, I understand, is connected with the Colonial Office in London. I do not know what his rank is. He gave to the Press a statement which the *Financial News* had to try to explain to the financial wizards in London. The first with which I have no quarrel is his short-term war policy—production, production, and yet more production, and getting on with the job. And I agree every time. Then he came to his long-term policy, and his first point was—better education and more opportunities to enter the public services. Well, we will not quarrel with that, but at this juncture I would like to say how strongly not only Government officials feel about it but the whole country at the invidious position in which the members of the Local Civil Service find themselves in relation to civil servants employed from overseas. I know how it happened, I am fully aware that it was done at a time when we had to do it because we could not afford to do otherwise and because the British Government would not give us the few hundreds of thousands of pounds to carry on with, while at the same time they were willing to give millions by way of loans to every little continental nation. But, curiously enough, when things begin to go on the up-grade nothing was done to put the Local Civil Service right, with the result that there is dissatisfaction to-day, and because two or three Government officials of good standing have said in the past it cannot be altered, that does not make a wrong right! Either a thing is right or it is wrong, and I maintain this is wrong. I know the circumstances, and I think Government should seriously consider, unless this also has been discussed at home, righting this wrong as soon as possible. We want good men, and well paid. We do not want a man who has to earn his living and at the same time has to put aside temptation, as I know some have to, or to get into debt and be open to offers of bribery which, thank God, very few, if any, do accept.

Coming to the next point, "a panel of experts", as Mr. MacMillan says, "to be available for posting to any part of the Empire". We have had some good experts in this country, and I do not generalize in my criticism at all. Anybody is an expert provided he knows the other fellow does not know, and that is the only honest interpretation of the word I know of, and it is only too true. I, being in sordid commerce, had on one occasion to read one of those little books which have been written by an expert who was in these territories, and it was fairly well received, on matters of transportation. I was haggling in a hot office at the coast with a stubborn Scotsman. I had produced all sorts of evidence, the latest scientific books from America, to prove my point, but he said America was not Kenya or Tanganyika; I produced facts from the *Transport Journal* in London to prove my point, but he said no, they were no good in East Africa. Somebody mentioned to me that this expert had been out here and had made a full report and had actually given chapter and verse. I got this book, which was very well done, and it seemed to me that this expert certainly knew his business. But I showed a lamentable ignorance of our local officials. I took it to my friend and said "That is Kenya". He looked at it and said "Oh, I take no notice of that fellow". "Why not?" "They are friends of somebody in the Colonial Office who come for a joy ride, write a report and go back to Bournemouth and their bath chairs", and that was the local value of one expert sent out to this Colony by the Colonial Office to help us solve our problems, and that is the view one intelligent official took of it. I believe we should discontinue this as far as we can. I believe we should make our own experts, experts not necessarily heads of departments, experts who have local knowledge of our conditions under which we labour and of our local requirements. We have them in normal commerce. If we have a problem, when a man goes on leave we give him £100 or £150 to go and to get a full report so that when he comes back he can do the job. That is what we want to do in Government, encourage our men to become our experts. They will do them far better and get a far clearer view, and we

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shall get value for our money, because they will come back here, we hope, provided they are not transferred immediately to another Colony, and will give us lasting benefit of their experience. I know several officials who are painstaking in their duty. There is one connected with the Public Works Department who had plans to go to America or some other country at his own expense to fit himself to solve problems for this country. He is the type of expert I want, and I believe we want, and we want officials who have a stake in the country and who will remain here and live here, and get on with the problems of the country with us.

Then we come to the next question of "healthy (note the word) development of trade unionism". I like the word healthy, because trade unionism to be applicable to this country has got to be very healthy. I am all for organized labour and for the man who does the work getting a fair wage and fair treatment. Now I come to the fourth point which I consider is the peach. This is Mr. MacMillan's fourth point, and I leave it to your imagination to determine whether this is on a plane of intellect which you and I do not understand, together with its implication. But when Mr. MacMillan is making an announcement to the world surely one of his fifth-rate clerks, who probably deals with Kenya affairs, can interpret so that the people in the street can understand. There is a lot behind this: "There must be a long-term capital investment in the colonies, especially in Africa. It must be a large-scale public investment accompanied both by private investment publicly guided and by ordinary private investment". The *Financial News* did not seem to know what that meant and tried to interpret it themselves. Of course, it means everything and nothing. As an American would say, "You can take what you like out of it". The *Financial News* says this: "The problem is a long-term problem and it can be solved only on long-term lines. It means capital investment on a really large scale, and if such investment is expected to pay for itself commercially in a short time, much of it will never be made. It may take years or even

generations to fructify, and some of these benefits frankly will not be expressible at all in financial terms." (I hope that is quite clear.) "Last week's statement on behalf of the Government was historic because of its frank acceptance of the thesis that Empire building is not really the job of the London capital market. The problem is too big for private investment alone—we require to-day large-scale public investment for public needs". That is not to say that if Britain is to be a considerable exporter of capital after the war, the British colonies are to be ruled outside its scope, but private investment, as the Government sees it is to be 'publicly guided'. That applies presumably to what has been called 'absentee investment'. There will be opportunities also for another kind of private investment in which the investor accompanies his capital. What can be done in that direction has been made clear by the recent history of Palestine."

Of course I imagine the last few words refer to secondary industries in Palestine, otherwise it is a statement both on the part of the *Financial News* and of Mr. MacMillan which can be read in several ways. If Mr. MacMillan had said "the British Government has decided to develop her colonies on business lines with adequate finance in which public finance would be invited to take part", and if Mr. MacMillan had stated "the British Government had abandoned the policy of throwing away millions of sterling in the form of loans to potential enemies as appeasement, thus starving British colonies as a result", I would have said "Thank God for an honest statement of progress". As it is it is a statement which only leads you "over the hills and far away". There is no definite promise in that statement at all; it can be twisted and turned to the will of the interpreter.

There is in this country to-day a surge of public opinion which will soon make it quite evident and plain to the home Government that no longer can they interpret the representations of the people of Kenya as those of clamorous, noisy settlers. The Colonial Office will learn, or the home Government will learn, exactly as they are learning in England to-day, that the man in the street has

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come to stay, and that he can not be put off by the evasive statements which have been made and are made regularly by those in authority.

I want this Council to become commercialized; I want this country to be completely commercialized, and I do not want members on the other side of the Council to raise their hands in horror at being called commercial, because we are all commercial. The only difference is that the ordinary commercial people are intrinsically commercial; they sell something which you can tell the value of when you buy it; lawyers and professional people sell "services"; even independent people are commercial because they mostly live on the result of commercial undertakings, or usury, or both. I believe that we have immense opportunities before us. We stand on the threshold of a new era, and it is up to us to get on the right lines and stay on the right lines. I believe that we should try and remove the disability, which made it impossible for the complete co-operation of officials and non-officials, that is the inadequacy of finance which officials have had at their disposal. Let Kenya be the spear-head of progress to cut right across the creaking and obsolete methods of colonial neglect and mal-administration, let Kenya through this Council be true to democracy, in equality of sacrifice, in equality of opportunity, but with efficiency!

COL. GHERSIE: Your Excellency, I beg to second the motion. In rising to second the motion, while I agree with what the hon. mover has expressed, I feel there are other aspects of the case that deserve consideration and might justifiably be expressed during the course of this debate. Every intelligent person today is thinking of post war reconstruction, and it is perfectly obvious that the post war period will be responsible for drastic economic and social reforms which to a minor degree are taking place today. The old order will be a thing of the past, and the right to live rather than exist will be the order of the day. It will be necessary for us all to become producers, either physically or mentally, and the parasite will

be eliminated. There has been a good deal of talk in Kenya on the subject of post war reconstruction, but ideas that are limited to words usually disappear in vapour, and while I realize that finance is required for any reasonably large scheme, I do submit that in order to justify that finance we must formulate concrete schemes and proposals. A great number of us will have witnessed two wars, and while we are determined that our children's children will not be involved in a similar catastrophe we are equally determined that our children shall not face or suffer the same economic difficulties that have been the lot of this generation. Quite a number of them will have been denied the opportunity of completing their education, and we must take care that, unlike the aftermath of the last war, provision is made for their employment. The returning soldier will require opportunity, not charity, and, as President Roosevelt said recently, they must never have cause to tell their children they fought in vain.

I realize that Government have set up a Board of Industrial Research; a very excellent idea but, in the event of the results of that research proving satisfactory, what provision/financial provision, has Government made for the further development of the projects? East Africa has considerable potential resources, and despite the opposition of vested interests, it is our duty to develop these resources to the utmost. But unless finance is available for that further development is questionable whether the expenditure on research is really justified. At the conclusion of hostilities we shall find our Kenya youth returning to civil employment, and I think it might be said we may anticipate quite a number of others who, due to their having visited Kenya as a result of the war, will be anxious to settle here. In addition to most encouragement we should make financial provision so that they can make Kenya their home. In the absence of legislation whereby the returning soldier is guaranteed re-employment, what provision is Government making to absorb these people? It is a problem we have got to face, and

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I submit that Government's duty is to install the necessary machinery now and so avoid the embarrassing hiatus at the end of hostilities.

One of our first considerations at the conclusion of hostilities will be the Federated States of Eastern Africa, and I hope, for instance, the Railway, which in my opinion was unfortunately divorced from the Government of Kenya, will revert to its previous status and its reserves and cash investments made available to the Government. And in that connexion the unsympathetic treatment that was meted out by the Colonial Office as recently as 1939, when application was made for a paltry sum of £250,000 road programme, will never be repeated. Finance will be made available, either by the Imperial Government or by the flotation of a public loan. It is therefore necessary to prepare a budget for our post war activities and expansion, but before the budget can be compiled we must prepare a programme embodying detailed schemes, and I submit it is the duty of Government to deal with the matter now.

In addition to the extension of our secondary industries Government will have to visualize the question of taking over undeveloped land. Also absentee landlords, banks, etc., should be paid a fair price for their properties, which should be made available in the first instance to the Kenya resident and secondly to approved immigrants. In Rhodesia, in one district alone, 150 farms of 2,000 acres each are being prepared for post war settlement. The question of irrigation is under consideration, and each farm will have either running water or a borehole. There has been a lot of talk in Kenya of post war settlement, and I must touch on a certain matter that happened not so long ago, and that is we know that a few months ago the Land Bank actually sold enemy alien farms for the purpose of liquidating mortgages. Surely that was a glaring example of lack of foresight. Even if the Land Bank, by the realization of a few hundreds of pounds, was saved from insolvency, I still main-

tain that it was a glaring case of short-sightedness.

I would just like to reiterate one or two of the remarks the hon. mover made in connexion with the medical services and education. If you take the position of the average family, generally speaking the number of children is curtailed, not necessarily because of the selfishness of the parents but because of the financial obligations in which a family automatically involves them. It is wrong that parents, because of the necessity of educating their children, should have to live in a state of pauperism. It is entirely wrong that other parents should live in a perpetual state of semi-bankruptcy because of ruinous hospital and medical charges. Again, it should not be necessary that old people, unable to provide for themselves, should be dependent upon the charity of the individual. These subjects are the responsibility of the general community and government should provide the remedy. In my opinion the day is not far distant when we may be negotiating, or considering negotiating for a United Africa, and in that connexion we must expand our resources and increase our population, so that we may secure the requisite measure of representation in a Federal Government, and it is necessary that we do expand so that we possess the necessary assets and the arguments with which to conclude a reasonable agreement when the question of a United Africa arises.

I submit that these problems are not insurmountable, though some people think they are, possibly due to present day politics and difficulties. Personally I feel we ought to consider our lives are virtually finished, with the exception of laying a solid foundation for the youth who are to follow us. In conclusion, may I urge Government to face these problems seriously and to prepare a constructive programme savouring of vision and imagination.

Council adjourned at 4.15 p.m. and resumed at 4.45 p.m.

MRS. WATKINS: I have not very much to say on this motion, but I would like to say that it has seemed to me that perhaps on the last motion and

[Mrs. Watkins] on this one the other side of Council are taking a point of view not justified by what has been stated here in this Council. They seem to think that we want all these things done at once. As I understand the hon. Member for Nairobi South, he has been telling us that we must have our framework ready, which in his point of view is impossible without finance. He has stated that we must be ready when the hour strikes, because it is in our experience quite common for us to be caught quite unprepared. We have seen opportunities missed, and missed again badly. We nearly missed the British Empire by our state of unpreparedness for war, and we may miss her rule in peace by again being unprepared for strong action then. That is what each member on this side of Council has been trying to say. When we are told that we cannot have hospitals and schools now, we reply that we do not want them now but we want the money voted and the channels arranged, whether it be the Economic Planning Council dealing with this and other problems or whether it is finance that is necessary or, perhaps better still, both, but the thing that is quite essential is that it should be arranged far ahead. There are one or two small points that I want to raise, not unimportant but short ones. One of these is, I do not agree that it is Colonial Office rule that has really put the country back so tremendously as has the London market. It has always seemed to me that when you have an organized group of people pushing, pushing, pushing down the producer's price in order to enlarge the profits of the middleman, or to allow of more and more middlemen to allow of snowballing and all the other evils, you have the key of the whole situation of the impoverished producer, the ill paid labourer, the whole gamut of miseries. The London market is the danger, and has always been our difficulty. The control of markets which we have now will, I hope be continued after the end of the war. One of the greatest dangers that a controlled market can become is, I think, a monopoly. Monopoly is one

of the most dangerous things to our country and for the welfare of our citizens that we have learnt to recognise. And that is what I think we are all frightened of in these days of control with everything that is happening now. We welcome controls as war measures, knowing them to be essential, but we are terrified that the interests concerned will have learned that monopoly, being the thing which pays a country in war time, it will pay private individuals in peace time. That is what frightens us. Monopoly, without strong Government control, is a terrible danger.

When we talk of settlement here I want one thing to be quite clear. I want us all to realize that the men who come must not be hoodwinked and that the questions must be placed before them fairly and honestly, and one of the main things I think in that issue is the labour question. I have often heard a young man ask an older settler, "How much do I want, old chap, to start out here?" I heard it asked only last week by a young Air Force officer. The older man says: "You want £1,000, £2,000 or £3,000, and so many acres," and this and that. He is, in fact, told that he will want capital, land, and he is reminded about water. The most he is told about labour is, "There is plenty if it chooses to come out. We are a bit short at times." Now I maintain that is wrong. It is all very well to hoodwink ourselves, to rub along without statistics, to plant any crop regardless of the labour entailed in harvesting and so forth, but it is not fair to carry on like that when attracting new men to the country. What we should do is first of all to have our Statistical Department back, to work that in with the Chief Native Commissioner, to say to the Director of Agriculture, "Please licence our farms, old and new, and will you please arrange for a survey of the labour supply with the Chief Native Commissioner," so that districts may know the approximate number of potential labourers there or that could conceivably be imported from other districts. Then, when a new farmer wishes to have a farm, he goes to the Director of Agriculture, puts down his Sh. 5 or Sh. 10 for his licence,

[Mrs. Watkins] and is asked what he proposes to go in for in that district. He answers, "Stock and Pyrethrum," the Director would probably reply "I am glad to hear you are mixing it for you cannot have more than twenty acres of pyrethrum, not because you have not the land or the capital but because if you take more than a certain proportion of labour we cannot develop the rest of the country." That is what I think is an essential point, because I am quite certain of one thing, that the prospective settler will discover for himself later there is a shortage of labour, probably when his capital is gone, when his wife and children will be hard hit indeed, and when there are many children to be educated. It would be far kinder to tell him beforehand what the labour supply will be than to let him find out for himself afterwards.

There again I would ask, almost implore, Government to put back the Statistical Department, not because I think the Department is the only one that can give particulars of natives—you have them already—but I do think that if we can get that Department working again we shall be able to get statistics without which those two men, the Chief Native Commissioner and the Director of Agriculture, cannot really do good work for the settler. I think that is essential. It is therefore necessary that we have first statistics, secondly that they be put to good use so that we do not only get land in production according to what the London market says it wants but have planned production according to what the country can supply in land, water, labour and money. Do not make a three-legged chair of it, as a three-legged chair often overturns, but that is what we are trying to do to-day, trying to forget about labour and to compete with each other. That leads to bitterness, and encourages uneconomic farming, disappointment and bankruptcy, which could be avoided by the Director of Agriculture and the Chief Native Commissioner getting together and having before them a review of the different districts, their full potentialities, and labour supply available.

That is one main point; I have two more to make. On the maternity problem perhaps I am more qualified than anybody else on either side of Council to speak; I have a family of three, and I do know that maternity expenses are terrific. I think it will be a great thing if we can get Government to establish, I would almost call it a graduated system of Government hospital rates. But I think that even more is wanted. I think we want a great deal more pre-natal care both for the white population and for the native population. We have not begun to tackle that problem, and I think it is a serious one. About old people and pensions, quite naturally I am all out for that, probably because I am a farmer and am getting old myself and may need one shortly. In any case, I think old people ought to have a pension, and I would say that lately I have been trying to help three, and they would sooner die of starvation than come to Government or a charitable institution: "Please, sir, can I have some money to go on with?" I know one old lady who is living on about £4 a month and has not breathed a word to anybody and is not going to ask for charity. There is one old man who has lived for four years in Nairobi on £6 a month, and is not going to be beholden to charity. But I am ashamed. I cannot slip a few pounds into his hand, even if I had them. I once tried and he was cross, because you cannot do that sort of thing. When you mention the Salvation Army you mention something that is doing terribly good work but something with which none of us want to be associated ourselves in accepting their charity. I do not want it, and I should not like my mother to be supported by the Salvation Army, nor would you, sir, like yours to be. And why put on other people what we do not like ourselves? Those old people have done just as good work, perhaps, as any of us here, and there is no reason why these people should not be looked after, more particularly that often the reason they have saved nothing for their old age is that they have been people who have taken their whole lives looking after other people. I am referring particularly to Sister Stewart (she is dead so that I can men-



(Mrs. Watkins) (her name) who nursed people and saved more lives in the country than any single woman, and in her old age she lived on a very tiny Government pension in complete misery. She had not had time to save for herself or to think of her old age, and there are other people like her in the same position, and also people with large families dispersed all over the world, and with sons killed in the war. That is the sort of situation, and I think it is pretty grim. When Government states that no child has had to miss education because of poverty, I should like to say something out of my own experience in the last two years. A naval man's son did not go to school for part of one term because the father was a prisoner of war and there was no money to pay the school fees. I can state that definitely. That was afterwards corrected, and the woman was persuaded to let her son go to school on the free system, but she did not like it. I had the boy to stay for several holidays and I asked him "Was it all right?" and he replied, "Mrs. Watkins is a gem on charity. I hope your children will never know it." That eldest boy has joined the Navy now. I am glad I got him out of it.

The points I want to make are (1) that we have to watch that control and markets do not become monopolies; (2) we have got to watch that new settlement does not outrun the labour possibilities of the country, and (3) we have got to watch that young children and old people are not made to feel that such help as they are bound to receive, because they are too young or too old to earn, is charity. I think those are three important points.

Mr. Nicol: Your Excellency, I personally have the very very greatest faith in the future of not only Kenya but East Africa as a whole, so much so that I am making my home in the East African territories. In view of that I am particularly interested in the possibilities for the future youth of these territories, and I look on this motion as a plea to ensure a livelihood for the youth of Kenya of all classes in the future. I want to touch on one or two

points which I touched on during the budget debate of 1938, and I think that the hon. mover of this motion has been thinking on very much the same lines as I was then thinking. But, first of all, I want to go back to the time when this Colony was existing to a very large extent on grants in aid, and when the Colony was able to dispense with grants in aid it was considered a very great achievement, and it was a very great achievement indeed. But what has happened since? We have lived on our revenue, and from our revenue we have had to expand our social services; we have not been able really to expand our natural resources in the way that we should have done. Had we developed our natural assets that we could from the revenue, it would have automatically followed from such development that we would have been able to expand our social services considerably further, we should have been able to have had more schools, more hospitals, and the general prosperity of the country would have been very much better. In 1938 I said that the development of the natives and others must progress side by side; that sentiment was reiterated by the hon. Chief Native Commissioner this morning, and also by the hon. Member for the Coast, and I entirely agree with him. I have not changed my views at all, and none of us would advocate anything else. But it has been said elsewhere that the people at home do not consider that we people out here are really trying to advance the native. They are entirely wrong, and I do hope after the motion before this which was adopted that that erroneous impression will not remain to which may be due, and it has been said before, one of the reasons why we probably are not able to get any money.

To digress for a moment. This war found this Colony sadly out of repair, and a lamentable illustration about that unpreparedness was given by the hon. mover when he quoted the quotation from the Information Office. Well, of course, the War Office cannot be blamed for that. It is the Cabinet you have to blame and the Members of Parliament and the people who put those Members of Parliament there, and the trouble was

(Mr. Nicol) that they would not realize, or the man in the street would not realize or understand, that he had got to pay money to be prepared, and in consequence we found ourselves—and the same thing applied not only to the Forces but to the general state of the Colony—in that state of unpreparedness. We cannot let that sort of thing happen again, and I for one stand for amalgamation of the East African territories with the ultimate idea of a United States of Africa.

If we are going to turn something useful into the kitty to encourage the other states to link up with us, we have to develop our natural resources, we have got to develop our land, we have got to open up the country with roads, we have got to develop our communications, we have got to do something very drastic in regard to water, and the like. In 1938 I advocated in this Council a loan of ten million pounds on a long term basis, and until we get the money we shall not be able to develop the assets of this country in the way that we should like to do so. If you want to start say an industry and you have not got the actual cash available, you go along to your bank and you put the proposition to them and you say you want X thousands of pounds, and you offer them security which, if they are satisfied with it and satisfied with the interest you agree to pay them and you are agreeable to pay that interest, they will lend you the money. It is exactly the same thing in developing territories such as Kenya or East Africa. We want to go along to the home Government and say "Will you lend us X million pounds repayable in 100 years? We will offer you the security of the land and territory of the Colony." Probably for the first twenty-five years in working out the development you would probably lose, or not necessarily lose but you would increase the amount of money that you would owe the home Government, because your asset would be in the process of development. In the next fifty years I should think, or at the end of a total of about seventy-five years the results in money which would come in from the development of your asset would be more than to cover the

expenses of your loan, and at the end of the 100 years there would be more than enough in order to repay the loan or possibly convert a new loan on a repayment basis, and you would also have sufficient money to further expand your social services. In the whole process of the 100 years you could not help yourself in bringing betterment to the native in various social services which you would be able to develop *pari passu* with the development of the natural assets.

There is another matter very necessary indeed for the future of this territory, and that is the establishment, and not only the establishment but the wholehearted encouragement, of what are today known as secondary industries. These secondary industries are going to create labour for all communities, create work for them, not only for those who are already away on service who will come back, we hope, but also for others whom we can reasonably expect will come out to these territories from the home land. It has been the policy in the past of the home Government at, I am afraid, the behest of vested interests, to stamp on any local industries. The Colonies have been told, "Well, you have got to produce raw materials so that the workers at home and the factories can manufacture goods for you to buy back from the home country and sell to the natives and others." Those days are over, and everybody has got to realize that not only must we develop as an agricultural country but also develop our natural resources from an industrial point of view, and there are many ways in which that can be done. I am not going into details here, but I have been very astounded myself in recent months at the enormous possibilities that are available for enterprising people to embark on. It is in the interest of the Colony, of the Empire, of Great Britain herself, that these industries are developed. Another thing in regard to the development of secondary industries is the point from the security point of view. Look at what a difference it would have been had we got our secondary industries well established prior to the outbreak of war and the consider-

[Mr. Nicol].  
able amount of shipping space that would have been saved. We should not have been short of various grave necessities in the matter of clothing, boots and the like, and I do maintain that again from this security point of view it is entirely wrong that we should have all our eggs in the one basket of the Midland towns at home. For that reason, if we can only spread our industries throughout the Empire, if we can only develop as much as we possibly can for our own use and sell our surplus and buy other people's surplus as well, the whole of this Colony must develop, it must benefit, and in benefiting itself it is going to benefit the inhabitants and must improve the general conditions of the native.

MR. PAROO: Your Excellency, this motion has entirely puzzled me. As a matter of fact, since entering this Council yesterday, all the speeches have puzzled me. First of all, the speeches made on the native progress motion I found most puzzling, because on one side of Council it was proved or stated or alleged that there is not sufficient progress, whereas on the other side of Council from facts and figures it was proved there was great progress. Had I been a newcomer to this country, on hearing the speeches from the other side of Council I would have been perfectly convinced but, having been born in this country and seen the progress of the natives, right from my childhood I know how far they have progressed and I feel puzzled. There was one remark in yesterday's debate by the hon. Member for Nyanza when she said that the settler communities in this country believe "that this is our country, we think in the same language, we have the same thoughts." I thought how true those words were, until I was told the definition of settlers in this country or in the vocabulary of this country was not settlers meaning those who have stayed in this country for many years and made their homes here but the settlers meant those who have the land, the agricultural land. That has also been puzzling me.

Now, coming to this motion, actually two points have puzzled me a great

deal. First of all, looking into the wording of the motion, I find it speaks of "economic reforms introduced since the outbreak of war" as being "essential to post war reconstruction." I do not know how far the hon. mover endorses the several "economic reforms which have been introduced since the outbreak of war." I do not know how far he endorses controlling markets which the hon. member for Kiambu has just disagreed with, I do not know how far the hon. mover agrees with several Defence Regulations which have been introduced since the outbreak of war, I do not know how far he agrees with the restriction of trading licences which has deprived legitimate traders who have long lived in this country, of their livelihood. The second point which has been puzzling me is that in his speech the hon. mover has given us a very excellent plan for post war reconstruction, and I agree with him and believe with him that we should look ahead. We should also win the war, and win the peace. I also agree with him that we have a duty to the youth of the Colony born and bred in this country. I also look at it, as the hon. Member for Mombasa said, from an East African point of view. I think that perhaps I have more right to do that than he has, because my forefathers came first to Zanzibar, I was born in Tanganyika and educated in Kenya, and I hope I may die in Uganda, so that perhaps I am more East African! (Laughter). That causes members to laugh, but this shows that I have a faith in this country, in East Africa. We shall compare notes as to who has the more right in East Africa with the hon. Member for Mombasa later on.

The hon. mover in his closing remarks said that these plans he had submitted should be on "equality of sacrifice and opportunity." If those words are sincere, I entirely agree with what he has said, but I do not know how far he is aware of any equal opportunities to other communities who reside in this country. The very first point he put in his plans to submit to this Council was a plain statement, and he said that the land was a lifeline to this Colony. I do not know how far he is aware that the

[Mr. Paroo]  
fertile land is barred to a community who have stayed here and made this country their homes for years and years. I agree with him in other remarks which he made in connexion with education, medical services, and maternity wards. The desire for education by the Indian community has been growing for many years. We have been asking in this Colony to have not merely classes from which hundreds are turned out every year by examination but that we must have agricultural schools, vocational schools, but nothing has been done. We have also been asking for equal hospital facilities all over the country, but I do not know that any Indian hospital exists anywhere. If the hon. mover is sincere in his final remarks, that the plans he put forward are equal sacrifices and opportunities, I entirely endorse them, and it is not an ideal to be aimed at but to be achieved.

LORD FRANCIS SCOTT: Sir, I rise to support the objective of the motion before the Council, which is, to put it briefly, that we should have planned development for agricultural, industrial and economic purposes. It is absolutely essential that we should look ahead to the economic, agricultural and industrial development of this country. We have got much more data to go on now than we had, and I do submit that we cannot wait till after the war to think of what we want. (hear, hear). I do not know whether hon. members are aware of this, but when the late Lord Lloyd was asked to come here as Governor in 1918 he made certain conditions. (He told me this himself). One of these conditions was that he should be given £5,000,000 for the development of the country. He said that anybody who came here as Governor without money would be a failure; a young country like this must have money to develop it. He was not given the £5,000,000 and he did not come here as our Governor. The point he made to the Secretary of State was while the war is on "Nobody will miss £5,000,000; we are spending much more than that every day; when the war comes to an end, rigid economy will be the order and you won't be able to get

a penny." If we look ahead we realize that the same thing is likely to happen at the end of this war, so I do support the hon. mover when he urges that we should try and get things ready before the end of the war. He stated that, the man in the street would have a much greater say after the war than in the past; he is probably correct in that, but I suggest the man on the land will still be the person who will have the greatest say in this country, because whatever happens this country will always remain primarily an agricultural country and the wealth will all have to come from the land. (hear hear).

I am all in favour of what other members have said that secondary industries should be developed, but I also agree in respect of that with what the hon. mover said that there should be secondary industries based on what we have produced in the country and not on imported articles which have heavy protective tariffs. However, this country will never become an industrialized country; it will always remain primarily agricultural, and that is where I was not quite sure whether he was advocating the nationalizing of land or not. Of course, actually land is nationalized as far as all the alienated land is concerned, because it is all the property of the State with the exception of half a million acres; we are all tenants of the State, and I cannot think that anybody could find anywhere in the world a worse landlord than the State. I am sure that nobody really wants the State to have a greater share in the development of the land than it has today, to the detriment of the individual. If, however, what he really meant was that nobody had the right to hold land and not beneficially to improve and develop it, then I am entirely with him. I think that it is essential that we should have a much stronger settlement on the land after the war, and to do that it is essential that Government should have some land at its disposal for that settlement, and therefore I agree with those who state that Government should get back into their possession any land which today is lying idle and not being properly made use of.

[Lord Francis Scott]

Water of course is by law the property of the State. Now we have got to the stage when we can dispense with land speculators. But it is a mistake to think that land speculators are always to be deprecated. Land speculators are extremely useful in the early stages of development of a young country; they come along and buy their land for speculation, they do help on with development because they sell that land to other people and so it goes on like a snowball, and the development takes place owing to the enterprise of the original land speculators. But we have got beyond that stage now. The land which is available for alienation is so fully taken up that any people who are still hanging on to land for purposes of speculation should be dealt with drastically. I do not agree with the hon. mover's remarks when he spoke of the dire results of the last soldier settlement scheme. I consider the last soldier settlement scheme was of the greatest benefit to this country and I think my hon. friend the Commissioner of Lands will be able to bear me out in that. A large number of these settlers are still here; of course some fell by the way-side, as is bound to happen, some disposed of their farms to other settlers, but the result has been the development of this country, and this Council, I think, has either benefited or otherwise by the presence of the hon. Member for Trans Nzoia and myself who came out under that scheme. (Laughter). One point he made which I think is most important and which should be pursued is this question of the necessity for planned marketing. If the farming community are going to have a reasonable chance of succeeding after this war the marketing side must be much better planned than it has been in the past.

My hon. friend dealt with various other matters more on the social side, dealing with education, hospital fees and so on, and he said "be honest with ourselves." If all these schemes, which I think most of us think are beneficial, can be put into effect they are going to cost money, and let us be honest with ourselves: are we prepared to produce that money by taxation in this country

or not? Before the war there was considerable agitation against any increased taxation, especially of the direct variety, and since the war of course that has gone up by leaps and bounds, though Government has given an undertaking that the rate of income tax after the war will go back to what it was before. If many of these improvements do take place they will cost money and we shall have to face the issue: are we prepared to pay this high income tax or not? When the hon. mover touched on the question of experts, I could not help looking up at that picture on the wall here of the late Lord Delamere who used, when he heard an expert was coming here, to hold up his hands in horror and say, "Oh my God, those experts!" The next point he dealt with was the attitude of the Colonial Office towards future development here. It does happen that the present Secretary of State and the Under Secretary of State both served under me in the last war in my battalion, and I can assure you that they are both very good men. Mr. MacMillan, who was referred to, was three times wounded in the last war and had an exceptionally good record, and I do believe that with these two comparatively young men, as politicians, in power in the Colonial Office, we have a much better chance of having our point of view favourably considered to-day than we have had for a very long time past. I think it is essential that we do press the points which we consider necessary and put them before them, and I believe those two gentlemen, being reasonable people, will consider them in as helpful a way as it is possible to get from the Colonial Office. I think many of you no doubt read the speech by Mr. MacMillan not very long ago in defence of the settlers of this country, in answer to some criticisms by the labour members. It is the strongest statement I have ever read from anybody in the House of Commons.

The hon. mover said we should be much more commercialized. He is probably right, but I do trust that we will not forget the other side in this country, which I think is a prominent feature of the settlers of this country, and that is the home side. It was

[Lord Francis Scott]

referred to this morning by the hon. Chief Native Commissioner with regard to Natives, and it is very strongly so with regard to the European settlers here. I remember many years ago, in 1923, when the delegation went to England on the subject of the vexed Indian question of that time, and had an interview at the India Office with the Secretary of State, Lord Peel, and he said: "We will have to buy you all out," and Mr. Tommy Wood, known to most of you, in his best Yorkshire accent, said to him, "You cannot do that, Lord Peel, it is our home." (hear hear). You have got to remember that side of the question: let us commercialize one part but leave us our homes without too much commercialization. (Applause). This question of post war settlement which has been touched on by certain speakers is of course of immense importance. A point I think was made by one speaker that the new settlers should not have to spend all their capital in purchasing land. I think in any scheme of post war settlement that is the most important thing which Government have got to see to: that they can buy land on easy terms so as to have what capital they have got for development of the land after they have bought it. That I know is in the scheme, but it is a very very important one. And talking on this future development I would like to remind some members here that Government have very complete data from all the various Government departments of what they consider is required for development in their various departments for a fairly long range scheme, which was compiled at the time when Sir Robert Brooke-Popham was Governor here, and every time Executive Council met at that time, we used to spend two days on Executive Council, one day dealing with all the routine work and the other day dealing with all these development plans and suggestions. Those plans are all in the possession of Government and can be pulled out of their pigeon hole whenever they are wanted, and form a very comprehensive document from all the various departments, which should not be forgotten or lost sight of.

When it comes to the budget, as the hon. mover no doubt knows, the Colonial Office system of accounting is entirely the opposite of any commercial firm. Apart from what he has mentioned, there is the fact that there is no depreciation account head at all. The hon. Director of Public Works has to go on using his machines until they are worn out and then come and ask for a big sum of money to replace them; he is not allowed as in any commercial firm, to have a depreciation account, amounting up every year so that when the time comes there is the money ready to pay for his renewals, but whether we shall be able to induce the Colonial Office to change that system of accounting I should very much doubt. My hon. friend the Financial Secretary, if he studied his predecessor's introduction of last year's budget, would see that he analysed the budget into the various headings into which it came, and of the total of the budget, the proportion devoted to definite development of course is a very small one. I entirely agree with the hon. mover that it is time we had a budget showing very much more money put aside for the practical side of things and not entirely taken up with paying salaries, passages and everything of that sort. I do press what I have already said, that we should get on and look ahead and be prepared with what we want in the way of the development of this country, but for all that I am quite certain that there is only one really true future for Eastern Africa, and that is that all these countries be joined up in one and for us to get away from having all these British territories contiguous to each other, each with its own Governor, Legislative Council and everything else. (Hear, hear.) It is the only way we are really going to progress. There will be a lot of opposition to any such proposal, but I am sure it is the right one and one we should fight for. But until we have got that, let us go on and get our own house in order and have our own plans ready, so that when we do achieve the greater objective, we will have our part of the programme all ready.

I beg to support the motion.

COL. KIRKWOOD: Your Excellency, I am rising to support the motion, and I should like to hand out a bouquet. I am not in the habit of doing that, as hon. members on the other side know, but I should like to hand one to the hon. mover of this motion. I think he has made a most excellent speech. As a matter of fact, after suffering from the bug of frustration after my seventeen years in this Council, I thought I was listening to a beautiful dream and that the hon. member was visualizing that he would lead us on to some land of hope and glory. I hope he is right. There is no reason why he should not be, but again the system will kill it probably unless that system is altered. From that you will pre-suppose that in my opinion the system has got to be altered, and it definitely has. I agree that the difficulties of the programme well ahead should be visualized and scheduled. I think that one thing we have to do is to rehabilitate our surplus balances. This is one of the few countries in the Empire which has had a great benefit from the war financially. The revenue has grown during the war more than it did prior to the war, and every year if that money is not conserved and as far as possible hundreds and hundreds of thousands of pounds put into the surplus balance for post war reconstruction and carrying on as I visualize after the war, there is going to be another terrific slump, and there is going to be a backwash. We have not got over the effect of the last war, and hon. members will probably remember that in 1930 the blitz started, cereal prices dropped considerably, and have never risen since. During this war Government has seen its way to increase the price of maize by certain methods, and wheat too, but it is still well below what is paid in South Africa.

I agree that the backbone of this Colony is agriculture and as far as I can visualize it it always will be. Minerals too I am sure will increase in production. There is a great deposit of minerals in the northern territories not tapped yet. I have preached that for donkey's years, and only some few weeks ago a geologist was sent out to assist in a certain prospect. I am certain that if Government was to spend a

few thousands of pounds on a geological survey in the northern country such as Suk, Turkana, etc., it would be repaid handsomely. There are many minerals there to my knowledge, and no doubt the Commissioner of Mines knows it too. It is a question of proving they are payable, and that they are there in large quantities. I have great faith in them myself. Agriculture we must admit to be the foundation of this Colony. That pre-supposes that you want further white settlement, and I go so far as to say that the Soldier Settlement Scheme was not a failure. There were those who fell by the way, and those who always will, but in my own district a great many of the original ones still own their land at the moment, although at the moment they are out winning this war; about sixty per cent are in khaki. That is a disadvantage from another angle. Government has approved the Settlement Committee's report, and I believe it has had the blessing of the Colonial Office, but I do not think that that is enough. When we were going in for closer settlement many years ago we had a scheme, after the Soldier Settlement Scheme had been absorbed, and only five settlers came from England approved of by the Secretary of State when we were visualizing something like five hundred. May I point out to Council that in my own little dorp of Kitale there are approximately 12,000 acres of crown land not disposed of by Government, which is ideal for settlement, and it has all the amenities that a township can offer in the way of a hotel, club, tennis, golf-course, railway, and the facilities of railway sidings, and it will not be long before we have a creamery. We shall probably have to wait until after the war, but production is snowballing and is terrific. And we have a water scheme for the water is there. That land should be allowed to go for settlement. It has been held for twenty-two years, and if Government does not alienate that land I do not know what they will do with it. It seems strange that 12,000 acres with every facility should be so held, when it ought to be thrown open so that a farmer could start going without very much expense. I think that has got to be gone into thoroughly and a scheme

[Col. Kirkwood] worked out, and for that money has to be earmarked, and its proper place is in the surplus balances.

That is as far as Europeans are concerned. On the other side there is the native. As far as I know there is no organization for the natives such as the Kenya Farmers Association for Europeans. That Association started to handle maize, and maize only, and it eventually handled posho, then wheat, now it is handling pyrethrum, and their work is snowballing and the Association is doing all the co-operative farming for the Europeans which is necessary. I would be thankful if Government only visualizes the benefits which would occur if there was a co-operative society for the natives on a co-operative basis, for the marketing of maize, mtama, wimbe, potatoes, and other produce. It would be difficult, if not impossible, to issue an order in three months' time when hundreds of thousands of bags of maize were available on the K.F.A. for 10,000 bags, but there is no reason why we should not get 750,000 from the native society over a period of two months, or may be less. I have spoken of this before, but not sufficient thought has been given to it. It should be maintained in the interests of the natives, and Government should assist the natives to sell as far as possible on co-operative lines.

Time is getting late, and a great number of points have been dealt with by previous speakers, so that I do not intend to keep hon. members for more than a moment or two. One of the speeches I should like to touch on was in connexion with settlement. I do not know, but the hon. and learned Attorney General could tell us, whether Government has power to expropriate land, but I think that what is wanted is something on the New Zealand basis, an Expropriation Ordinance stating precisely what power could be vested in an Expropriation Board. Once you have got that you would want an Arbitration Board which could acquire land that was not beneficially occupied.

It might be occupied but not beneficially. For instance, a 5,000 acre

farm would not be beneficially occupied by running a ranch yet could be turned into several farms for mixed farming. Such an organization existed in New Zealand before I left many years ago. They had an Arbitration Board functioning, which decided what land should be expropriated and what offer should be made for it. If the offer was refused, the board came in and fixed the price, and whether it was against Government or favoured the owner did not matter two hoots, the deal went through. Take the land at Hamner Springs, it was only a sheep run, a lovely flat sheep run adjoining Canterbury Plains. You cannot say that 50,000 acres as a sheep run was beneficial. Once there is a demand for land anybody holding 50,000 acres has got more than they want, and under that law they might be left with 5,000 acres. My idea in suggesting it is that I know there is not a great deal of crown land available and that a lot of crown land which might be available is not suitable for settlement, but there is a great deal of sub-division going on and which will continue to go on, which could be made available under the scheme I have just outlined. Government would acquire the surplus land and treat it as crown land, and I think that would give a great fillip to settlement in this Colony. I hope Government will consider doing something on those lines.

Before sitting down, I hope the hon. mover will take us to that land of hope and glory and that something good will come out of the many valuable suggestions he and others have put up.

The debate was adjourned.

#### ADJOURNMENT

Council rose at six p.m. and adjourned till 10 a.m. on Friday, 18th September, 1942.

Friday, 18th September, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Friday, 18th September, 1942. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 17th September, 1942, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 41—PURCHASES AT E.F.I.

COL. GIBRISIL:

Will Government please state whether, in view of the altered circumstances, it is prepared to withdraw the regulation whereby residents of Kenya serving with His Majesty's Forces are debarred from effecting purchases from E.F.I.?

MR. SURREIDGE: The Government is examining the matter, and is not at present in a position to reply definitely to the question.

#### POST WAR RECONSTRUCTION AND FINANCE

The debate was resumed.

MR. PATEL: Your Excellency, the debate on the last motion on a native welfare policy and the present motion has assumed all the features of a budget session, and the motions have given a very wide scope to hon. members for discussion. To any member of this Council who argued that such discussions were futile, I would reply to him in the words of an English thinker, who said, "When freedom of thought and freedom of expression abound there is much controversy and much confusion, yet it is from such controversial confusion that the simple facts of life emerge". I am quite certain that it is one of the greatest advantages of a democratic way of life that issues are being clarified by such important discussions. I do not also subscribe to the statement made by some members that this is not the time to indulge in such discussions, because as the hon. mover said—and I completely agree with him—we must be ready with a pro-

gramme after the war is won to win the peace. Therefore I discuss certain issues, as I understand them, in order to express the point of view of the Indian community and to state how we feel on these issues I desire to make some remarks.

I agree generally that the development of the land, and the encouragement and establishment of secondary industries which can be developed from our raw materials, should be planned in advance. I agree also that the maintenance and expansion of our social services should be considered now and, as the hon. mover has put forward as his objective, the 1943 estimates should make provision in advance for such matters. But I also desire that this provision should be subject to the exigencies of the war. If the war effort requires all the money then I am afraid we may have to postpone them as far as financial provision is concerned. I was very doubtful about the meaning of certain words in the motion which, reading from the second line, says "ensuring permanent benefit from agricultural, industrial and economic reforms introduced since the outbreak of the war". My doubts have to a great extent been dispelled by the speech of the hon. mover, but still I feel that it is not wise to confuse war time economy with peace time economy. In war time we have to take measures which may be absolutely unsuitable after the war. I agree that the drive for production should be maintained and expanded after the war, but at the same time we may have to revise our opinion about the drive; we may have to drop the growing of crops in an uneconomic way or guaranteed prices or the encouragement of crops on land not suitable for the purpose, though in war time we may have to take these measures. I think in peace time that may have to be revised, and there may be other measures introduced in war time absolutely unsuitable after the war. To give a few instances. We may have to economize to-day in the use of articles, we may have to restrict the importation of so many articles. I desire to make a reference in passing that even in these war time measures which have been taken, little imagination or commonsense in the administration of these regulations has been used. For example, if the

[Mr. Patel]

Import Control Department did not take a farseeing view and did not allow necessary essential articles to come here at a time when shipping space was available, so that goods could have been brought to this country for the use of the community. That is why we are experiencing even a shortage of the most essential articles like matches, etc. Moreover, the community has willingly in the name of the war effort submitted to several Controls; although there is grumbling and complaining against them. There was recent complaint against the Maize Control, for instance.

The community has also acquiesced in certain monopolistic tendencies in this country during the war, but I am not prepared to say that they will be prepared to agree to those matters after the war. To give a few instances. The trading community has been making an effort for several years past to restrict the issue of new trading licences during peace time, but did not succeed. Now they have succeeded in war time, that they shall be the only persons to trade, whether they are competent or not. I am not prepared to say the community will agree to such a measure after the war is over. Comparing the war time economy and peace time economy, I do not think that a sick man's diet and a healthy man's diet could be the same. In the same way, economy measures taken under the stress of war will not all be suitable after the war, and therefore I am inclined to doubt the wisdom of that portion of the motion which says "ensuring permanent benefit from agricultural, industrial and economic reforms introduced since the outbreak of war". However, as far as the speech of the hon. mover is concerned, I agree almost entirely with all the suggestions he has made, but I do not think that merely making provision in the estimates will serve the purpose. We shall have to face certain issues honestly and fairly. For example, if we really mean business, and if we really mean to win the peace after the war is over, the tendencies of the times should be carefully noted and should be put into practice, though they may be found inconvenient for some time.

If we read the signs of the times to-day in the United Nations, and particularly the United Kingdom, there is an effort being made to level inequalities in society and in classes, and if we read that sign of the times and face it honestly I think we will have to readjust ourselves in this country also. The trend of events, as I see it in this country, is to create and perpetuate a landed aristocracy with a powerful influence with Government which will not be allowed to go in the direction in which there is a tendency in the United Kingdom. I agree with the hon. mover when he said that our land in this country is Kenya's coal and should be nationalized, but I do not know what he meant by that expression, because the noble lord the hon. Member for Rift Valley stated that it is already nationalized because Government has control over it. If that is nationalization, then I am afraid that is not in keeping with the times. However, if we cannot go the length we may desire on account of some powerful influences of those who own the land in this country, I suggest that at least after the war a committee should be appointed to go carefully into what land has been developed and what land has not been developed. Government should take the position that land which has not been developed should be given to those who are prepared to develop it. If Government cannot take courage to do that, I suggest that we must follow what has been done a few decades back in Denmark, where, I am told, half the land was owned by a handful of people who did not allow the land to be developed or cultivated in the proper way. Finally, Government decided what should be the maximum economic units, and over and above that they levied a graduated tax in such a manner that those owners had compulsorily to sell the land to those prepared to cultivate it. If we consider that the land is the most essential asset of this country, I think we should not be afraid of facing the fact honestly.

I am in complete agreement with the hon. mover that we must in this country take all steps to develop the secondary industries from our local raw materials, but I may state that it has been found in the past that Government was unable

[Mr. Patel]

to take such steps because vested interests were powerful enough to compel them not to. I also agree with several other suggestions in regard to the disposal of produce, etc., and in this regard I desire to make one comment from the Indian point of view. That is, while planning after the war, those who are responsible for that planning and accepting such schemes should take notice of the presence of the Indian community in this country. Some people conveniently forget that we live in this country. By providential design or accident the Indian community is here, and it is no use ignoring that fact. It will not serve any purpose in ignoring that fact, and any scheme or planning without notice of that fact I am afraid is bound to go wrong. Sometimes people say that the Indian community will be ground down between two millstones, the poor whites and the rising natives. That will not be a solution of the problems of the country, it will add to the difficulties, and it will make our reconstruction after the war more difficult. I may say here that the Indian community desires to make its own contribution, even if it is necessary to make a readjustment of their activities in this country as far as their living is concerned, but at the same time the planning should provide alternatives of living for those who will be replaced from activities which it may be necessary to readjust after the war. If Government or those responsible for planning such schemes will without offering alternatives say, "You shall not do this henceforward because it is necessary in the interests of the country," I think that, human nature being what it is, such schemes will meet with the stiffest resistance as far as lies in the capacity of those affected. I think that an honest and fair way of doing things is to lift the racial barriers against the Indian community.

One thing the noble lord the hon. Member for Rift Valley referred to in planning after the war was to closer union of the East African territories. Here I am inclined to agree that there are advantages in having the closer union of the territories but, at the same time, I may inform those who are very enthusiastic about it, who consider that

it is in the best interests of the country, that the Indians and African natives of Tanganyika and Uganda do not trust the Kenya land policy as well as the Kenya native policy. They suspect Kenya, and are against any form of closer union. Those who are planning in advance should take into consideration that fact. Either they should take steps to remove the misunderstandings if there are any, or steps should be taken to remove factors which create misunderstandings. Otherwise, from the attitude taken now I am quite certain that as far as the Indian and African natives of Tanganyika and Uganda are concerned any scheme of closer union will meet with a stiff resistance. Whatever has been done in regard to various controls, the Defence and Supply Council, or other things bringing closer union nearer, the Indian community has acquiesced in them without saying a word, because we Indians were told that these measures were necessary for the war effort and we felt that it was not right to raise any controversy at this stage when those measures were found necessary for the war effort, but when the war effort is over the Indian community reserves the fullest rights not only to demand that those things should be abolished and reconsidered on their merits but will submit that unless all the reasonable claims of the Indian community are taken into consideration we shall strongly oppose the bringing in of any closer union scheme.

With these remarks, I am inclined to support the motion before Council.

MR. SHAMSUD-DEEN: Your Excellency, after hearing the speech of the hon. mover yesterday I had a sort of conscientious twinge, and I felt that I owed an apology to the hon. Member for the Coast for opposing his last motion when I attacked him as taking up the time of Council. I have no doubt that my opposition to the last motion was due to my ignorance of what was happening behind the scenes. I now realize that we have in this Council invented a procedure by which, before the budget session, we are going to have a sort of preliminary budget session, or a preparatory budget session when we can deliver all our speeches which ought really to be delivered at the budget session. Since

[Mr. Shamsud-Deen]

Your Excellency has been so indulgent in giving everybody what I think can be called extreme latitude of speech, I feel the urge of the devil to make myself prepare a speech which can quite easily last for a couple of days and make the whole Council fed up. (Laughter.) I have stated before on a previous occasion that this Council costs the country roughly some £200 to £300 a day. It is not difficult to calculate. There are 40 people here, and the average expense of each member I should think per day is £5, which should come to at least £200 a day. I think I, perhaps, am rather mistaken with my figures. (Laughter.) But I know it does cost the country a lot of money that we can ill afford at the present moment.

Since yesterday, I have been thinking whether all these speeches on these two motions are of such a momentous nature that we can talk almost anything about past history and the future and about the adjoining territories, all over the world, or anything you like, but I fail to see where is the necessity of indulging in all these sort of things. I quite agree that post-war conditions must be considered and, as Your Excellency knows, there are two committees which have sat for months studying those conditions. And I am not one of those opposed to those two committees considering post-war conditions now, but, judging from the turn events are taking, I feel like those people who take off their boots and socks long before they come to the stream which has to be crossed. I think that at the present moment there are much more important matters that we should concentrate on. I may perhaps be unduly worried that the time of Council is being taken up, but I do honestly think that almost all the members of this Council nowadays are doing very important war work in one way or another and that really it is very sinful to keep them away from such work to come here and take up the time of Council in resolutions that are going to prove nothing but pious or innocuous after all. It is true that yesterday we had some very interesting and admirable speeches, especially from the official benches, and I thoroughly enjoyed them, but is this the time to enjoy those sort of things? I think the

country is suffering from very prolonged prosperity, and we do not know what is happening in the world. I ask those gentlemen who indulge in this sort of eloquence to judge for a minute the feelings of the people who have suffered in this war, and I am not trying to flatter the Government or the King, but let those members venture to think for one second of the feelings of the Duchess of Kent or the King or Queen Mother who have lost such a promising young man as the Duke of Kent; or what the feelings of Sir Guy and Lady Pilling are after they have lost their only son. I submit that this is a time for mourning; the whole nation is in mourning when everybody in any way connected with the British Empire is in mourning, but fortunately, or unfortunately, we have not tasted any of the adversities of this war.

We keep complaining and blaming Government and abusing the Colonial Office, which is always a very easy and popular target, for not doing this or that, and talking about the essentials of life. We complain about the national loaf and this and that. I submit that the time might have come to this Colony, and might still come, when instead of having national bread we have no bread at all; instead of talking about essentials we might not have even the things which are more than essentials. I wish that some of us had seen the train when those Polish refugees passed—

MR. COOKE: On a point of order, what has this lecture to do with the motion we are discussing, sir?

MR. SHAMSUD-DEEN: I am quite prepared if Your Excellency rules that this is a lecture to accept it, but I think it has some bearing on the two lectures I have heard so patiently since yesterday, and instead of indulging in these controversies we ought to know what the people are suffering and what we might be in for at any moment. As I say, since yesterday I have been wondering whether this indulgence on the part of Government is really a deliberate one to prepare a case for the suspension of Council, which for all intents and purposes is suspended at the present moment because of the other bodies which seem to have taken over some of its functions.

[Mr. Shamsud-Deen]

I personally think the time is approaching very rapidly when probably we shall have to have martial law in this country, because there are a lot of things we have been talking about, for instance price control—it is true that price control has not been able to . . . . .

**HIS EXCELLENCY:** I do not want to interrupt the hon. member, but I think he is wandering somewhat now from the motion.

**MR. SHAMSUD-DEEN:** Other members have referred to price control again and again, and therefore I was going to submit—well, if Your Excellency rules that I should not refer to it again I will not, and I hope that other members who may speak to this motion will also be called to order in the same way. I will cut price control out, Your Excellency, but others have indulged in it.

I think the motion before us is so comprehensive that it tells Government to prepare its estimates in such and such way, and therefore I submit that when they are prepared they should be prepared in such a way that we should make some provision for certain things from which the whole community is suffering. For instance—well, if Your Excellency has ruled that I must not refer to price control I will not—(laughter)—but that is one of our troubles. I was thinking that if the next estimates are prepared I hope the suggestion I made in the last budget session, that the time ration should be 15 minutes, will be observed, and we want a Defence Regulation that any member who exceeds that limit should have to pay at least £5 a minute for wasting this Council's time. (Laughter.)

I enjoyed the speeches yesterday very much, especially the opening speech of the hon. mover, but, after all, sir, this is the Legislature and not a place for oratorical contests. I have had the opportunity of seeing a few Legislatures in the world, but the notoriously empty galleries of this Council show the interest the public takes in what we are talking about. In the House of Commons in England or the Legislative Assembly in India there are so many things one has to comply with before getting permission to enter the galleries that it is difficult to

get access to the House, but here an open invitation is extended to the public without any formalities, and you hardly see anybody in them. That shows the interest the public are taking in our debates. (Laughter.)

As regards future plans, I am sorry that my colleague the hon. Member for Ukamba is not here, but if he was here and spoke he would tell you that the only time when we had a real live and active committee in this Colony was in 1922, when the Government appointed a committee and acted upon its resolutions and recommendations, not merely by passing pious resolutions. I think that one of the achievements of the committee was the arrival of Sir Christian Felling. The Railway was in a terrible mess in those days, and the committee draw the attention of the Governor to it. He sent a telegram to the Union of South Africa, and we got the man within a few days. We have had the same sort of committee sitting several times since, but nothing was done. I am all for improvements in this Colony, but I do not think the time is ripe when we should talk about improvements when we are confronted with this world wide war. I was talking about martial law, and Your Excellency will probably pull me up again, but I wish we could have some sort of law in this country by which anybody who made a racial reference in these days to Europeans, Indians and natives should be very heavily punished. I do not think this is the time for us to talk about Europeans and Indians. It will be time enough for us to thrash these questions out when we have finished with the war—let us not waste our time at the present moment. I hate referring at this time to any racial question—

**A MEMBER:** On a point of order, is not the hon. member deviating from the motion before Council at the present moment?

**HIS EXCELLENCY:** The hon. member will resume.

**MR. SHAMSUD-DEEN:** I am really trying to show the absurdity of such omnibus motions as this, on account of people being able to talk about almost everything. I hope that in future there will be commonsense motions which can be

[Mr. Shamsud-Deen]

understood by everybody. As a matter of fact I can quite understand the second part of this motion, but the first part I have read again and again, and must admit that I am not quite able to follow what it is meant to aim at. I am sorry about the reference to the European and Indian, and would say this much: This is not the time to talk about the European position in the Highlands. The present inferno into which the whole world is thrown is the outcome of European activities. There is only one Asian nation in it, and I hope I shall live to see the day when Germany will fight that Asian nation also, which I do not think will be far off. Otherwise I think the Asian community are a peaceful people, and we have been thrown into this inferno owing to the European people. But it is our duty now to pull together and to resist aggression.

I am sorry if hon. members are getting irritable, because there are many occasions on which I could have risen on a point of order, but I did not, and I have listened with almost unspeakable patience to so many things in the last two days. (Laughter.) While on that point I wish some hon. members could visualize even temporarily what this town of ours, Nairobi, as well as Mombasa, would have looked like in case there had been one enemy air raid—

**HIS EXCELLENCY:** I do not want to interrupt the hon. member again, but I do wish he would speak more closely to the motion.

**MR. SHAMSUD-DEEN:** Well, Your Excellency, I think I had better sit down. (Hear, hear, and laughter.)

**MR. TESTER:** Your Excellency, it is with a very considerable degree of regret that I find myself unable to support the motion of the hon. Member for Nairobi South, formally and in detail. This is especially the case because hon. members on this side of the Council will be able to inform the Council that the policy of the Government is to prepare for planned development over a period of post-war years and as to the extent to which action related to this policy has already been taken and, if I may say so, nowhere is

the hon. member likely to find a more enthusiastic supporter than myself of his view that, when once a plan has been decided upon and the time is ripe for its commencement, financial arrangements should have been made to permit of its completion in an orderly manner and without interruption. It is the latter part of the motion which I find difficulty in agreeing to, containing as it does a definite suggestion that some commitments should be entered into here and now to make provision in the 1943 estimates relating to a large number of schemes of a very great variety, the financial implications of which, I submit to Council, cannot here and now be sufficiently gauged. I do not think any undertaking should be entered into by Council at this stage in regard to the 1943 estimates. It is clear that difficult financial problems are before us, involving the possibility of increased expenditure during the post-war years, and before undertakings and commitments are entered into I think we should consider what complementary undertakings and commitments relating to post-war years are necessary in regard to taxation and as to whether the immediate future is the proper time to give them. In this connexion I beg to remind Council that existing legislation in connexion with income tax and certain duties terminates at a date related to the end of the war.

I have indicated the main reason, that is the point about provision in the 1943 estimates, which causes me not to support the motion. I feel, however, that the hon. mover and myself are not in fact poles apart on this question and that the difference between us is largely a matter of technique. I consider that we should indicate as clearly as we can our determination to make as far as is in fact possible settled financial provision for expenditure covering a number of years on planned development. I am not convinced, however, that the method he indicates is the best one to achieve our joint object. The scheme for post-war finance for planned development is the provision of funds; firstly, out of such surplus funds as we may have, above an amount deemed prudent to support any sudden falls in revenue; secondly, out of post-war taxation; thirdly, out of loans;

[Mr. Tester] and fourthly, from funds provided by the Colonial Development and Welfare Act. To my mind it is not essential that the 1943 estimates should necessarily be affected in order that our financial plan should be clarified and announced. It seems to me that our intentions can be made equally clear by proceeding further towards the finalization of our loan schedule, so that everything is in order the moment the money market is in a position to grant loans and also to make definite applications for Colonial and Development Act Grants as each scheme is finalized and approved locally, so that the moment men and material are available the work can go straight into execution. I do not make any excuses for the fact that a great deal has not been done in regard to applications for these loans and grants, although the questions have not been entirely neglected, because no one will deny that the financial stage in the United Kingdom cannot have been, during the recent years of tremendous expansion of expenditure there, particularly well set for an examination of our financial needs. I think, though, that it is a fair assumption that the outlook is now clearer, and it may be by no means a waste of time to proceed further in defining our requirements as our plans mature. As the hon. mover remarked, it is probable that Sir Henry Moore will be able to give us some up-to-date guidance on these points on his return.

Then there is the matter of financing from surplus balances. The surplus balance was some £400,000 at the beginning of the war and at the end of 1941 it was some one and a quarter million pounds, and in addition we had £500,000 lent to His Majesty's Government. The primary object of this balance is, of course, to see us through the war period, including expenditure on some of the projects which the hon. member has mentioned, and although things are progressing satisfactorily financially during 1942, we may yet have financial setbacks before the end of the road to victory is reached. It may be that the Council will consider when the financial forecasts of the outlook for 1942 are before them that the surplus is so satisfactory that portion of it could be safely passed by resolution

of this Council to a special reserve for planned post-war development. My view is that this proposal of a special reserve and the projects mentioned by the hon. mover and other members during this debate, in so far as they may be ready for examination, should be placed before the Standing Finance Committee for an expression of their views as to what can and should be done towards making financial plans to indicate our determination to carry out planned post-war development. Unless the constitution of the Finance Committee in Kenya is different from that of other countries in which I have served, and my hon. friend the Attorney General will correct me if I am wrong, it is open to any member of Council interested in any project to attend a meeting of the committee when the projects are being discussed. I hope that I have indicated that the Government is definitely in favour of this planned development; it has taken steps towards it and also, subject to the financial technique to be employed, it is in favour of getting on with financial schemes to see that these schemes are adequately financed.

During his speech the hon. mover referred to our balance sheet. He indicated that, of course, it is a very different thing from a commercial balance sheet, and I am the first to admit that it is. In the first place we have nothing in our balance sheet showing the value of Government property—of houses, buildings, the Law Courts, and so on which we own. We have nothing indicating the value we attach to the land which is crown land. On the other hand we have some rather big things perhaps in the way of contingent liabilities: we really have no contingent liability shown for widows and orphans pension schemes, ordinary pensions, and reserves for passages. In regard to the first two, just before war broke out there was a definite proposal from the Colonial Office that we should consider steps which might be taken to smooth out our balance sheet in this respect. It is not quite such a simple matter as it seems and it was dropped, as far as I remember, because of the necessity of having liquid funds available during the war period, but it will be quite an easy matter to put forward at

[Mr. Tester] the proper time the pros and cons of such a procedure. Then the reserve for passages; it is a fact that in some territories they have already considered a special reserve fund for expenditure of that nature, that is to say specific expenditure which we know will have to be met and which is piling up owing to the war. I know of one colony where, if they have not already done so, they are considering establishing a special reserve for passages and gratuities in view of the number of retirements which will occur after the war. That point seems eminently suitable for discussion in Standing Finance Committee.

Another subject in which I am naturally very much interested is secondary industries, and I would remind this Council that there is really nothing to prevent private enterprise going as far as it likes in the way of secondary industries, completely without reference to Government if they do not want any special protection or tariff built up round them. There is another very interesting point which the hon. mover raised and which I must confess that I have a great deal of interest in, and that was his proposal that we should provide ample funds for our local experts to go to England or to other advanced countries to keep their knowledge up to date. I must say that my experience of colonial services has taught me that that is one of the most important things to do, especially in a place where there are local residents in the service who are not likely to move from the territory to any great extent. I think it is very essential that they should be provided with means for keeping their technical knowledge and general knowledge up to the highest standards by financially assisted visits to the United States of America, Great Britain and other places.

The final remarks I have to make in this debate relate to the evident wish of my hon. friend the Member for Kiambu in regard to the Statistical Department. I feel that it is absolutely essential if our post-war problems are to be properly attacked and carried out that we should have a Statistical Department, because a Statistical Department is not merely a body which collects a lot of figures and

adds them up, it should be a really properly trained group of statisticians, really skilled and highly qualified men or women whose work I think would be likely to benefit the country to the greatest degree. It is quite obvious that many of the difficulties experienced by the various wartime controls at the moment and in regard to other problems are definitely related to the fact that we had not got a Statistical Department in working order.

I have no more to say (I have, I think, kept within the time limit prescribed by the hon. member Mr. Shamsud-Deen!), except to say that it is really with a considerable amount of regret that I am unable to support this motion in every detail.

MR. SHAMSUD-DEEN: On a point of explanation, I have worked it out, Your Excellency, it works out exactly to £1 per minute for the time taken by this Council. (Laughter.)

MR. GARDNER (Conservator of Forests): Your Excellency, I was rather amazed at the speech of the hon. mover, not at his motion which, as the hon. Financial Secretary stated, is really quite reasonable, but certainly there was a large number of statements in his speech which I think could hardly be agreed to. From his speech one would think the Colony was one of the most backward countries in the world! (A member: So it is.) I have lived in it for 28 years and have seen many other countries, and I would say most confidently that this Colony has developed more rapidly than almost any other country in the world. The hon. member quoted instances of our neglect and what we had not done. Well, I will leave others to deal with most of them, but he mentioned reforestation as being thoroughly neglected and of which we should be thoroughly ashamed.

MR. VINCENT: On a point of order, I did not say that. I said the inadequacy of the funds at the disposal of the Forest Department did not enable the department to carry out this work as inadequately as it should.

MR. GARDNER: He implied—I think he said the reforestation done in this country was entirely inadequate and he put it on the list of things we should be



[Mr. Gardner] ashamed of, I wish to state that for many years we have planted more than we have cut, and few countries can say the same, so that is definitely not one of the activities of which we should be ashamed. He mentioned how the Railway had such an efficient administration in the past that when war came it was able to carry the war burden most effectively. In the matter of reforestation, our work in past years has enabled us to provide an enormous amount of building material for temporary buildings required by the military, and I cannot conceive how we should have carried on but for our past extensive reforestation schemes. As regards plans for the future, I have been instructed by Your Excellency to prepare a plan for the future forest development, and we will certainly do so, but when the hon. member mentions plans in England I know that in many instances special experts are on that job and have been appointed for that work. Here we are all of us doing our utmost to forward the war effort, and planning for the future has got to be effected in our spare time. As regards afforestation schemes, we are preparing them, but I cannot undertake to have them ready before the 1943 budget is discussed. As regards financial provision for the future, Government has in this particular case of afforestation made provision by agreeing to the establishment of a forestry fund from our surplus revenues during the war, to be used for increased forestry work when we are in a position to undertake it.

The hon. member said that Government should do more in sending its officers abroad to give them an opportunity to learn what is being done in other places and so keep up to date, and that commercial firms are doing that. I should say that Government has done far more in this line than any commercial firm in the Colony. Even in my comparatively small department I myself have toured Australia and New Zealand and South Africa at Government expense and learnt a lot that was useful in my work; another member has toured India with considerable benefit, and still another member was seconded for several months at Government expense

to study the sawmilling and timber trade in England, so that I do not think Government can be justly criticized in any way in that respect. So far as reforestation is concerned, it can be said that we have done well in the past and that Government has made provision for the future.

GENERAL MANAGER, K.U.R. & H. (Mr. Robins): Your Excellency, it was not my intention to intervene in this debate, but one or two references were made to the Railway. There are two points I should like to comment on. First of all, I had great difficulty in making up my mind whether the hon. member who seconded the motion was supporting it or opposing it. As I understood the hon. member, he was pressing on Government that they should adopt a financial policy, the technique of which was very similar to that adopted by the Railway Administration but, as I understood the hon. mover, who seconded, he has some doubt as to whether that is the proper technique on financial policy. I have no doubt the hon. mover will deal with that when he replies to the debate. The other point I wish to make is this. I was not in the slightest embarrassed by the eulogy passed on the Railway Administration, for this reason. For seven years I have had nothing to do with the financial policy or the policy of the Kenya and Uganda Railways and Harbours. The credit is entirely due to my predecessor, my former chief, who in my opinion was a great public servant of East Africa (applause), and with him too I think tribute is due to the work of the Railway Advisory Council and the Harbour Advisory Board, who are responsible for advising Your Excellency as High Commissioner of Transport on the policy to be followed. I think myself that the Army, Navy, and Air Force Services owe a great debt of gratitude to the people of the country who for so long have supported the transport administration and by their support have enabled that Administration to meet all demands made upon it during the war.

MR. BLUNT: Your Excellency, I am not particularly concerned with the second part of this motion but I do find myself in a considerable measure of agreement with the first part of the motion proposed by the hon. mover, and

[Mr. Blunt] I would like in the first place to say how much I appreciated the clear and forceful manner in which he made his points. I am going to touch on only two points raised, and of these the first and most important one is the question of planned marketing to which he referred and which was referred to again by other speakers. One or two speakers on the other side of Council referred to the fact that this country is and must continue to be an agricultural country, and I think there will be nobody who will disagree that that is the case. Mention was also made of secondary industries, and it is true that with the development of secondary industries we shall probably provide a better market for our agricultural produce within the Colony. But we shall remain, I think there can be little doubt, an exporting country for agricultural produce, and it is on that we shall stand or fall. We shall probably alter the form of our exports after these war years. We shall probably cease to export the primary cheap produce such as grain and export in some more concentrated form, in the form of stock or meat or poultry or whatever it may be, but we have to remember that the country is mainly dependent on the export of agricultural produce of some form or another.

If we are going to expand in the way we all hope we shall, we have as the hon. mover indicated got to have some money put into the development of the country, more capital has to be secured, and the countryside more closely and thoroughly developed than it has been. It seems to me that this development, the possibility of raising loans, in fact the whole future settlement of this country is entirely dependent on whether or no we are going to be in a position in the future where we shall be able to sell what we produce at a reasonable profit over the cost of the production of it. If we cannot, there is to my mind little hope for the future of this country; if we can, there is every hope. Indeed, whether we can or cannot is going to depend to my mind very largely on the marketing systems that are adopted by the world in general after the war. We here are improving our productive capacity; we

have done it and are continuing to do it. We can improve the quality of our produce; we have raised it to a fairly high standard and can raise it to a higher standard. We can reduce our costs of production; we have had to do it in bad times in the past and can probably continue to produce more efficiently and thus at lower cost. We can organize our local market.

But we are still up against the fact that apart from local sales in the country we are to a considerable extent powerless to deal with world market problems after the war on which the future of the country must, I submit, depend. A good deal can be done by co-operation, and at the present moment we have a system in force of guaranteed prices. But such guarantees, although they may be necessary in the post-war period, can hardly form a permanent part of the structure of the country unless we can get the prices for our produce. I have been concerned with agricultural marketing problems practically the whole of my life. I was brought up in an agricultural family where the conversation as in every agricultural home used to run on the prices of crops. I studied later the economics of farming, and after that I went and tried my hand at it, and suffered from it. (Laughter.) Since I have been in the service of this and other governments I have been largely concerned with trying to secure adequate returns for the production of the people of the country I have been serving. There is a school of thought that stresses that the miseries of this present generation and the wars we have suffered and are suffering are very largely due to the one fact, that the marketing of primary produce in the world has been undesirably managed for many years, and I subscribe to that view.

It was suggested by the seconder of this motion, and I think the hon. member for Kiambu, that in the future the parasites on industries would disappear, and I hope that they are right. I believe the marketing difficulties, as far as they concern the primary produce which we have suffered for many years, are not that the consumer is unable to pay a reasonable price which will pay the producer. I believe they are due to the fact

[Mr. Blunt] that there is creeping into the organization of marketing all over the world an unnecessary number of people described as parasites, middlemen or whatever you like to call them. We have had an example recently in this country of what can be done if some of these unnecessary middlemen can be eliminated, and I refer to what has happened in the case of vegetable production in the Kiambu native reserve. At the beginning of this year it was considered that the prices of vegetables to the natives were unsatisfactory; it was certainly the view of many housewives that the prices of vegetables in the market in Nairobi was also far too high. The matter was taken in hand, vegetables were only allowed to be sold in that area in licensed markets, and to licensed buyers, and a price control was put on which ensures to the primary producer a reasonable price for his vegetables. At the same time, further control measures were taken at the other end, and the actual effect of the matter was that, as a result, the housewife in Nairobi was able to get her vegetables at from 20 to 50 per cent less than she had been paying before this control came in. In other words, the elimination of the unnecessary hangers-on in that particular industry ensured a reasonable price to the producer and a lower price to the consumer. We cannot ourselves here effect such a change as that in the markets for agricultural produce in the world, but I feel sure that such changes could be brought in when peace comes and that the first, if I may say so, and most essential aim in the peace which we hope and which is more likely to bring prosperity and happiness to the world than any other, will be the devising of a really satisfactory method of marketing of the produce of the primary producers.

The only other point I wish to refer to is that raised by the hon. Member for Trans Nzoia with regard to co-operation by natives. It is true that there is no organized native co-operative society in the country at present, but it has already been pointed out in the course of the last two days that things of that kind, if they are to succeed, must grow from the bottom and not be imposed from the top,

and I am glad to be able to inform the hon. member that there is already some growth of a desire for co-operation among natives from the bottom. There are, so far as I know, three small societies of natives at the moment in being. They are not organized quite as they should be, because for that purpose legislation will be needed; and it has been thought that this is hardly the time to introduce such complicated legislation as might be necessary, but there is a native co-operative society working in Teita Hills for the production and sale of vegetables, on a quite satisfactory scale, and already there have come into existence what I may call co-operative societies, although not fully fledged ones, in the Machakos district for dealing with native wheat. I hope and believe that after the war that movement will spread, and that with the experience we have to guide us from other countries we shall be able to get a satisfactory development of co-operation for the benefit of the natives.

MR. MORTIMER: Your Excellency, the hon. mover has painted a very large and glowing picture on a large canvas, but I only wish to refer to one or two aspects of that picture. He and other hon. members who have spoken have referred to the necessity in this Colony of a great advancement in settlement on the land. In my view land settlement in this Colony has now reached a stage at which it cannot stand still; it must either advance or recede, and when I refer to land settlement I am speaking more particularly of European settlement. There is no reason whatever why Indian land settlement should not have a place, and a quite considerable place, in the post-war development of this Colony in those areas that are open for Indian occupation. There is an Indian Land Settlement Board in existence at present, and that Board is considering plans and projects for Indian land settlement. But I will refer at present more particularly to European settlement.

The last big advance in European settlement took place in 1919 and the years immediately following under the Soldier Settlement Scheme. I support the views expressed by the noble lord the hon. Member for Rift Valley and by the hon. Member for Trans Nzoia in affirm-

[Mr. Mortimer] ing that that Soldier Settlement Scheme was not a failure, and in that matter I cannot agree with the innuendoes of the hon. mover. He is probably thinking of one particular phase of that scheme, the Beadec Settlement, which undoubtedly was a failure for reasons which were inherent in the Beadec scheme itself from the start. But the scheme as a whole was, while not an outstanding success, yet at any rate sufficiently successful as to be regarded without serious regrets. One and a half million acres of land were alienated under that scheme and 780 settlers took up their farms. The scheme may be regarded as a success if for no other reason than that it brought the hon. Member for Rift Valley and the hon. Member for Trans Nzoia to this Colony. (Laughter.) There were undoubtedly several failures under the scheme, and the reasons for these failures are not really far to seek. In some instances the people concerned, were temperamentally unfitted to be settlers in a new and untried colony like Kenya. In other cases the prospective settlers suffered from lack of farming qualifications and experience. For some reason which it is not easy to explain there seems to be an impression abroad that farming is the one business in the world into which people can enter without the slightest qualification or experience, and many people who came out under the Soldier Settlement Scheme broke down because they knew nothing whatever about farming and thought they knew a good deal. Government was itself to blame in not realizing the great importance of farming training and education. We gave these settlers a week's intensive course at Kabete and then turned them loose on their farms. (Laughter.) The surprising thing to me is that so many of them, by reason of their intestinal fortitude (laughter) and their eagerness to succeed, and the help so willingly given to them by qualified neighbours, did make a success of their farming operations. Others suffered from insufficient capital, and one major difficulty was caused by the change in the currency of this country, which took place just at the time when these people were coming to the Colony and which resulted in one-third of their capital

being shorn away over night, and they had nothing to show for it. A great deal of time and thought were expended upon the settlement scheme of 1928, but that, as the hon. Member for Trans Nzoia said, proved abortive. Now there is room for a great increase in the farming community of this Colony. What the ultimate increase may be and how much farming settlement this Colony can ultimately carry I am not in a position to say, but I am convinced that with the application of sound farming methods and with the provision of ample water supplies we can multiply the farming community of this Colony by four in the not distant future. (Applause.)

The question has been raised by the hon. mover, where are we to find the land on which this increased farming settlement can take place? We are not in the same position as we were in 1919; there is very little Crown land left now which is suitable for mixed farming of the type that we all have in view—some 40 or 50 thousand acres will probably account for the whole of it. There are, of course, large areas of arid grazing land which will ultimately be taken up for the kind of farming for which the land is suitable, but that does not really help in a solution of the settlement problem. I could not advocate any further large scale incursions on the forest reserves of this Colony, which are in my opinion all too small as they are. The present land policy is to conserve as far as possible as much Crown land as we have for post-war settlement. Land alienation under the present Government policy is in abeyance for the period of the war, apart from cases which either Government or the Land Board consider to be sufficiently exceptional as to be proceeded with during the war period. That accounts for the non-utilization of the 11,000 acres immediately surrounding Kitale to which the hon. Member for Trans Nzoia has referred. Those acres are being kept in the pool ready for post-war settlement.

We must then turn to land in private ownership in order to find the land required for any great extension of post-war settlement. Even now with the production drive in full swing there are many farms in private ownership lying

[Mr. Mortimer] idle, there are many others of which only a small fraction has been developed and there are still others which are very largely in the occupation of uneconomic squatters. Why cannot the Crown recover from those indolent or careless or indifferent owners the land of which they are not making proper use? The problem is not quite so simple as it may seem. It has already been said that there are half a million acres in private ownership held under freehold title. The total alienated land of the Colony is about 7 million acres: about 3½ million acres held under the Crown Lands Ordinance, 1902, on lease, and about 3 million acres under the Crown Lands Ordinance, 1915. The development conditions contained in those Ordinances and by implied covenants in leases are interesting. Under the Crown Lands Ordinance, 1902, all that the lessee covenants to do is to develop the natural resources of the land in a prudent and businesslike manner with all reasonable speed. There you have a covenant on which it would not be easy to win a case in court if any development had been done at all. The 1915 Crown Lands Ordinance prescribes development conditions in terms of the cash value of improvements. For example, a thousand acre farm need only have £660 spent upon it, of which only £450 need be in permanent improvements, in order to comply with the development conditions. A two thousand acre farm, if £960 has been spent upon it, has complied with the development conditions of the title; a five thousand acre farm, £1,860. You will see, therefore, that if a farmer is doing anything at all with his land it is comparatively easy to fulfil these development conditions on a small portion of the area actually held under the title, and there would be no ground for legal action for recovery in these cases on the ground of non-fulfilment of development conditions.

The hon. mover has referred to the contemplated action in 1937. In is true that my department at that time contemplated taking legal action for recovery in cases where development conditions had not been fulfilled, and with that object in view a schedule was prepared of the farms concerned and a warning

letter was to be sent out to each individual lessee. At the request of the Settlement Committee action was postponed until settlement schemes were ready and a land market had been produced in order that the lessees of the farms could be given an alternative, either that they must develop their farms themselves or dispose of them under our settlement scheme to those who were willing and able to develop them. When the settlement scheme was produced at the beginning of 1939 approval of that scheme was awaited, and soon after it was approved war broke out and the opportunity had passed for taking any drastic action to recover the farms concerned. The Agricultural Production and Settlement Board is at present engaged in preparing a schedule of all farms and portions of farms that are in the market and are available for post-war settlement. The settlement scheme which was produced in the report published at the beginning of 1939 is one that depends mainly on privately owned land. The scheme in brief was that Government would assist in the purchase of privately owned land to the extent of 9/10ths of the purchase price by means of a loan repayable at the rate of one per cent over a period of 43½ years. That scheme was accepted by the local Government and by the Secretary of State, but the acceptance came just before the war and unfortunately the scheme has had to go into cold storage.

We have learned something from the mistakes of the 1919 scheme. Under this new scheme, which we hope to see in active operation in the post-war years, we do insist on the prospective settler having some farming qualifications. He must have spent at least one year in active farming in the Colony, either as a pupil on a farm or as a student at the training farm which we hope will be developed from the Agricultural School at Njoro. That policy was framed in 1938, four years ago, and so far as I am concerned I see no reason to be dissatisfied with the scheme as it now stands for post-war use. It may need supplementing with other action. It was proposed at that time to make financial provision in the loan programme of £250,000 for carrying out the scheme. In the current year's

[Mr. Mortimer] estimates there is a token vote of £5,000 which has not been spent and which I hope will be re-included in the 1943 estimates as evidence of Government's acceptance of and adherence to that settlement policy. An essential condition of the settlement scheme is that the price of the land shall be right. The price must be such that economic farming will not be impossible, and I would like here to quote from the Settlement Committee's Report to show that this aspect of the case to which the hon. mover referred has always been closely in view of those responsible for land settlement policy: "More land than is necessary; within reason, for the applicant's purpose should not be purchased. It is vital, also, that too high a price should not be paid for land purchased from private individuals, that is to say, a price which might endanger the prospects of the new venture." And the following with regard to the provision of land: "In considering the areas that might become available for closer settlement we reviewed the position of leasehold farms on which the development conditions, either implied or expressed, in the Crown leases, had not been fulfilled, and we strongly urge that pressure be brought to bear upon the lessees of such land either to develop their holdings or to dispose of them at reasonable prices to new settlers who would develop them; alternatively, that Government should consider a stricter enforcement of the existing law with a view to recovering the land for the Crown. If, when an active demand for land is created, there is evidence that, in spite of the application of the measures recommended in paragraph 25, land suitable for settlement is deliberately being kept out of the market, or is being held in an undeveloped condition for speculative reasons or merely for the occupation of squatter stock, we believe that it may be necessary for the Government to consider the application of a tax on undeveloped land, but we are of the opinion that the introduction of such a tax would at present be premature."

That was in 1938. At an appropriate time no doubt pressure will be brought to bear for the recovery of undeveloped farms. It may be necessary for Govern-

ment to take further measures to step in and enact drastic legislation to prevent prices of agricultural land from soaring to fictitious levels. In other countries, and we have heard something of this during the course of the debate, methods have been adopted which have no doubt proved adequate for the needs of those countries, such as the taxation on a rather heavy scale of undeveloped land, compulsory re-acquisition at a fair but low price of unused land in excess of an economic farming unit, and third, a limitation of the profit on land transfers to a very small percentage over the price at which the vendor acquired the land himself. I am not at present prepared to say precisely what steps should be taken in Kenya. On this point I am seeking the advice of the Land Board, whose members are at present studying the various aspects of this somewhat complex problem.

I agree with the noble lord the hon. Member for Rift Valley that, while the land speculator may have had his uses in the early stages of the development of this Colony, he has outgrown his usefulness and has now become a parasite upon the farming community. I am convinced that there is a large and increasing body of public opinion in the Colony in favour of far reaching and firm action either to recover for the State land that is not being properly used to be used again for re-allotment to prospective settlers, or to ensure by some means that the land is taken out of the hands of those who are not using it and put into the hands of those who will use it to better advantage, and at a price in conformity with the productive capacity of the land and not with the rapacity of the vendor. From a statement recently published in the local Press I learned that an expert committee has reported on the control of land development in England and has made far reaching recommendations. It is said that if these recommendations are adopted the effective controlling interest in the nation's land will pass out of the hands of the individual into the hands of the community as a whole. It is also said that if the recommendations are adopted all speculation in land will be stopped and the practice of the landowner deciding to develop or dispose of his land as he wishes will come

[Mr. Mortimer] to an end. What course we shall adopt in Kenya remains to be seen, but of this I am certain, that in the new order, of which we hear so much in these days, which will emerge when the war is ended, the right to occupy a portion of land will be looked upon as a solemn trust, the terms of which must be fulfilled or the right withdrawn. In other words, we shall hear very much less of the rights and privileges of the landowner and very much more of his duties and obligations.

Speaking now for a few moments on behalf of my hon. friend the Commissioner for Local Government (laughter) I wish to refer to the native housing problem, particularly as it relates to those dwellings in urban areas. The hon. mover touched upon this problem and urged that it was one of the things to which urgent and immediate attention should be given. The Government is not unaware of the problem; indeed, very close thought and consideration has been given to it during the past two or three years. The problem is a vast one, and for its proper solution expenditure of large sums of money will be necessary, probably reaching nearly a million pounds. At the present time Government has under consideration a bill which will have the effect of laying down a definite urban housing policy and will unite Government and the local authorities together in that policy; it will provide for the setting up of a Central Housing Board to consider schemes for the carrying out of that policy, and will provide also for the establishment of a central housing loan fund from which money may be advanced to local authorities for the carrying out of their approved projects. The object of the scheme is not only to assist local government authorities in the provision of housing for urban natives but also to ensure Government assistance in the provision of funds and the sharing of losses if loss is sustained in the carrying out of those far reaching projects which we have in view.

MR. COOKE: Your Excellency, the hon. member who has just sat down stated that the Soldier Settlement Scheme was not a failure. The scheme as a whole may not have been, but there were far

too many failures in it of those settlers, largely due to the fact that Government gave out land which was quite unsuitable for farming; it was a long distance from the rail, it had no water, and it had very poor communications. It is because we want this criminal folly avoided in any future settlement scheme that I think the hon. mover touched on that point. The hon. member has talked a lot about "we hope" and "strongly urge" and "have under consideration" and "remains to be seen" and all that sort of thing. This country is thoroughly sick of, if you will excuse me saying so, claptrap. If the hon. gentleman believes in compulsory acquisition, get up and say so, and stand or fall on that, but of course the hon. gentlemen in common with other hon. gentlemen on that side of Council has a great facility for avoiding a difficult question, and consequently he touched only very lightly on compulsory acquisition. I am not afraid to say that I believe in compulsory acquisition, and if I had the power I should even go further than that and put a tax on all undeveloped land, and I should use that tax, whatever it amounted to (it would probably be a good deal) to ensure future settlement in this country. I should put it apart for that purpose. The hon. gentleman has said that the covenants are too weak to be enforced. Whose fault is that? Is that my fault or the fault of anyone on this side of Council? I submit that it is his fault, and the fault of his predecessors. If the covenants are too weak he should have brought them to the attention of Government, and Government should have made them a good deal stronger.

The question of rations for labour was dealt with by the hon. Member for Kiambu. That is a very important point, and I understand that it has been suggested to Government for some time. May I ask how long Government are going to consider this matter? One of the weaknesses of this compulsory scheme is wastage of labour, and it is no use having dictatorial powers if you do not enforce them? It is no use having a weak-kneed person for a dictator, and Government knows perfectly well, and the Production Board, that this wastage of labour is going on but will not take the obvious

[Mr. Cooke] course of putting an end to it. It is the great weakness of the Crown Colony Government, that there is always a hiatus between resolve and the carrying out of that resolve. That hiatus does not exist in the business world, because if a business man gets a bright idea he puts it into effect before a rival tradesman can. This Crown Colony Government just goes rolling on like the Mississippi, but unfortunately without its freshets and floods. A good example of the hiatus is the road programme which was considered, and I think approved, by Government in 1938. That road programme was not put into effect, and the consequence is that we have had to put it into effect to-day (under the able guidance of the hon. Member for Nairobi South), and we are spending I suppose now twice as much money on it and have wasted valuable labour on work which should have been done four years ago. It is the reason that we want to see more gingering up of Government that the hon. mover has brought this motion to-day, which I most wholeheartedly support.

DR. PATERSON: Your Excellency, I only propose to deal with one small issue with regard to planning for the future, because I dealt with the general issue yesterday. I then indicated that one function of my department was to give expert advice, at least, the advice of someone who has specialized in such a study of the subject as to be able to say what people should do and to ensure that we have a general improvement in health. I have to give that advice, and I have also to provide certain services, services with regard to the teaching of hygiene and services in connexion with medical relief. The provision of medical relief, hospitals, and staff will of course depend on whether the money can be available, and I understand to-day that the hon. Director of Education can provide people with the necessary fundamental training for me to train further. I can assure the hon. mover that, with regard to the provision of hospitals, with regard to the question of the training of staff, particularly of women, both Europeans, Africans, and Asians, I can provide plans to-day which will cost really as

much money as he likes and, if it is not enough, he can multiply it many times and we can spend all the money provided. That is only dealing with it up to a certain point, with the salvage of human wreckage resulting from bad agriculture and absence of markets, and those are matters with which my hon. friend on my right (the Director of Agriculture) has already dealt with, and I have nothing more to say because I am very satisfied with the standards he has set. But I would turn to one point of medical relief to which the hon. mover referred, namely the cost of hospital treatment and the question of cheapening maternity services. I think there is no question at all but that the cost of medical relief in this country is very much higher than can be afforded by people on small incomes, and that the cost of maternity service is also exceedingly high. With regard to the first, the position, as most hon. members of this Council know, is that any European can go into any Government hospital and is not asked to give a guarantee that he can pay the fees afterwards, but when the bill is rendered to him at the rate of Sh. 24 a day he can discuss with the Inland Revenue Department how much he can pay. A great deal of discretion is exercised and, in fact, Government collects only about Sh. 11 on an average, from which it must be plain that as a good many non-officials pay the full fee, there must be a considerable number who get this service at a reduced fee, and a certain number who pay nothing at all. I entirely agree, however, that the present method is unsatisfactory. It is unsatisfactory in a number of ways. First, because it is beyond question that a large number who cannot afford to pay the full fee do pay the full fees, and second, that a considerable number of people do not go to hospital when they should because they do not want to ask for a reduction afterwards, and of course a certain number of people get a reduction who are not perhaps entitled to it. Therefore, a much more satisfactory arrangement must be made. It will be quite clear, I think, that some such arrangement could be made without the State losing any more money than it does at present. But that, in my view, would not go far

[Dr. Paterson] enough, and therefore if we are to go as far as I should like to go, and certainly if we are to go as far as the hon. mover and some of his colleagues would like to go, it must cost the State more, but, as the noble lord the hon. Member for Rift Valley said, it is entirely a question whether we are willing to be taxed to provide such a service. If we are willing, we can undoubtedly have the service.

The present position regarding the matter is that a committee was appointed to consider it prior to the outbreak of war. It only held one or two meetings, because members became too busy dealing with very urgent matters arising out of the war. I raised the question with Government at the beginning of the year, and a new committee would have been appointed if Japan had not come into the war. I agreed that its appointment might be postponed because it was clear that the people concerned with the various interests and services affected were again too busy to give it full consideration, and there are a number of services concerned, not only the Government services. There is the service—and I use the word service rather than interest—the important service of private medical practitioners and of the nursing homes. I do think, however, that we are now, most of us, less preoccupied with other matters than at the beginning of the year, and I have asked Government to reconsider appointing the committee. I should like to make it plain that a committee is necessary in this connexion, because so many interests or services are involved. I have asked that the question of the measures which might be taken to reduce the cost of maternity services should be considered. Further, we must also consider whether it is necessary to make arrangements with regard to other communities than the Europeans in this regard.

MR. LACEY? Your Excellency, I should like to deal briefly with one or two points and to explain Government's policy regarding certain educational matters raised in debate. The first point raised by the hon. Member for Nairobi South was whether education should be free or paid for. I am glad that he did not advocate free education for reasons

which I shall give later. He did suggest that there should be a means test. That is the situation at present. In the schools for all races machinery exists for the remission of fees in necessitous cases. In the Indian as well as in European Government schools there are committees composed largely of unofficial members, men and women, most likely to know the actual financial situation of the parents of the children attending that school, and they devote a great deal of time and trouble to this task. We have from time to time considered whether it would be possible to arrange some definite scale: a family in which the actual cash in any one average month was Sh. 400 would pay nothing, and so forth. But hon. members will realize that among the farming community and the trading community it would be impossible to arrive at anything like an exact estimate of the annual income, and I think the present system, which is extremely elastic, is far better than a hard and fast one. I think that in view of the fact that I do not get 1 per cent of appeals in this matter of remissions from the committees' recommendations, it must be considered an extremely satisfactory way. In European and in Indian schools, I deal myself personally with every single application for remission of fees.

The hon. Member for Kiambu stated that there was one particular case of apparent hardship where the boy was aware that he was being given charity. I deny emphatically that there is any suggestion that Government's remission is fees of charity. There is no more charity about it than a reduction in income tax in the case of children. I would say that normally all these cases are dealt with in exactly the same amount of confidence as in the case of income tax returns. But there may be exceptions, and it is possible that some parents are in ignorance of the system of remission in force in spite of the fact that it is given a good deal of publicity. If parents do not wish to take advantage of the system I suggest that the fault cannot be laid at Government's door.

It is necessary in this country when dealing with European and African education, to realise that you cannot talk

[Mr. Lacey] about free education without considering free boarding as well. As the result of our scattered population among the European sections of the community, and also the dispersal of the population, we have continued to develop primary and secondary education very largely in boarding schools. It would be no good giving free education if the State did not make provision for free board for those children whose parents cannot afford to pay those fees. I venture to state that nowhere inside the Empire is there a system of remission of fees so generous as in this country. We have compulsory education to the age of 15, but it is possible in schools for all races for the average child whose parents are poor to receive education free from the age of seven up to a university standard, and that includes free boarding, without paying a halfpenny. That is not the case in South Africa or Southern Rhodesia, where the remission of boarding fees in both is very limited. I do not say this is a perfect system. I merely point this out, but the remission of fees is very very adequate and a very generous system whereby the children get the highest standard of education they are capable of. Dealing with the question of free education, I may point out that in a Dominion not far away from here, when education was made compulsory, the tuition fees were dropped. I think it would be very unfortunate if we did this in this country. In that Dominion, it resulted in a large number of parents taking their children away from Government schools, they did not want to send their children to free schools. I am perfectly certain that a large number of parents sending their children to Government schools now would be extremely angry if fees were not charged. Of course, regarding African education, although the fees are very small, you have to realize that the cost of mission education is supported to some extent by fees and we have got to consider the reaction between private and Government schools.

I am very glad that the noble lord the hon. Member for Rift Valley, raised the question of home influence. One can do a tremendous amount of public service in

school education, but I would like to stress that point. I feel we have got to keep up the influence of the home and have got it possible to strengthen those cultural influences which really make a home such an attractive place. I am trying at the present moment in a limited way through school broadcasts to give a definite cultural tone, in the way of talks on music and literature and so forth, but I again say that in this matter we have got to get the full collaboration of the parents. There are certain aspects of education with which the State cannot deal, and one is the education in the homes. I am sorry that the hon. member Mr. Paroo seemed to suggest that Indian education was neglected, as no technical or special schools for teaching agriculture or trades or professions had yet been started. He is well aware, because he has given valuable service on the Advisory Committee and school committees, that this matter has been carefully considered by the Advisory Council on Indian Education, and that it would be premature at present to start an agricultural school. He is also aware that a great deal of technical training is given under the family apprenticeship system in respect of certain trades. He should be aware that the Advisory Council on Indian Education has made specific proposals that Government should deal with technical education. I would point out that only last year I sent one of my inspectors to India particularly to study certain aspects of Indian education and, further, to get teachers duly qualified not only in academic but other subjects. The hon. Member for Mombasa made a plea for youth; the hon. Member for Uasin Gishu for the men and women who went into the army before completing their education; the hon. Member for Nairobi South pointed out that opportunities must be given the Kenya youth to enter the public services. It is unnecessary for me to say that I am in sympathy with him. I am a member of a number of committees dealing with the question of rehabilitation and the technical training of young men and women of the various races. Hon. members are aware that two committees on vocational training, of which I was chairman, urged on Government the necessity of providing

[Mr. Lacey]

on a large scale overseas bursaries for men and women coming back from the war, and I hope it will be recognized not as an *ad hoc* measure only but as essential in the educational system of the country. I for one would very much rather be able to hand pick young men and women from Kenya schools, send to England or South Africa for training as teachers and get them back, than to have to trust to luck and recruit without seeing them men and women from England or elsewhere.

I can assure hon. members that as far as Government's policy of education has gone we are putting it steadily into effect. But we cannot at the present moment send European men away to be trained as teachers, and the young women are getting a good innings. Year after year the expenditure on overseas bursaries for Europeans, Indians and Africans has been maintained, and that expenditure if doubled or trebled would be more than justified, because if boys and girls we have known since childhood come back into the public service here, I venture to say and feel that the public, municipal and other services will benefit to an extraordinary degree.

MR. SURRIDGE: Your Excellency, as stated by the hon. Financial Secretary, Government strongly favours the objective of the motion, but there are too many implications in the second part of it for Government to accept it *in toto*. Government will, however, be only too pleased to receive any concrete suggestions put up to it by the hon. mover or, indeed, by anybody else, and to have them examined in the Standing Finance Committee in connexion with the draft estimates for 1943. There are one or two points that I should like to mention. The first one is that in addition to quite considerable sums provided in the estimates for 1942 for such work as soil erosion, water supplies, etc., Government has had on the stocks for some time the following schemes: water supplies, £370,000; agricultural schools, £31,000; soil conservation, £730,000; road construction, £300,000; a total of a million and a half. In addition, we have a building programme amounting also to one and a-half millions. I myself

was very glad to see the question of taxation raised by the noble lord the hon. Member for Rift Valley, for this question seemed to have been ignored by the speakers who spoke previously to him. The noble lord brought us down to reality with a bump. I should like to know what the hon. mover suggests in that direction. Do we go cap in hand, or should I say pistol in hand, to the British Treasury and the British taxpayers paying Sh. 10 in the £ in income tax, when we may have gone back to our old rate of Sh. 1 or whatever it was? Once again I repeat that Government welcomes this motion but finds difficulty in agreeing to the suggested method of finance.

MR. VINCENT: Your Excellency, I am gratified at the patience of the official members of Council, and if it is true, sir, that you have been unduly indulgent to me during this debate as has been insinuated by an hon. member, I am grateful to you for it.

The hon. Member for Uasin Gishu, in seconding the motion, mentioned the question of the Railway's finances coming back under the State or Government. I do not think it was his intention to give that impression, but that he merely found it difficult to understand why, if the finances of this Colony were competent, it should be necessary for the Railway finances not to come within the ordinary finances of the country. There is one point on which I can hardly agree with him, or I cannot share his belief, and that is that finance will be forthcoming at the end of the war—I think those were the actual words he used. The hon. Member for Kiambu stated that my idea was that the framework only should be ready. That is not quite my idea. I want the framework and the money to finance the building too. She remarked that I was a little heavy on the Colonial Office, and that it was really not the Colonial Office but the middlemen. I have a good deal of sympathy with her. Her point about controlled marketing and monopolies was a very important one, and that is why I tried to make it clear in suggesting marketing, and planned marketing, that we should have strong Government representation on such bodies. I believe by that means

[Mr. Vincent]

from my experience we can counterweigh any possibility of monopolies thus occurring injurious to the community. She hit the nail on the head when she inferred that we should put a plain picture before intending settlers, and that is one of the reasons why I pressed that something should be done now about hospital, medical and maternity fees. The hon. Member for Mombasa referred to a loan repayable, say, in one hundred years. What I have been trying to do in this debate is to discover if anybody in this Council knows the real intention of the home government towards this Colony in regard to finance, whether they really mean that they are prepared to make us a loan on the usual terms, and let us develop this Colony and take the whole responsibility for it, or whether they as representing the British taxpayers are going to give us grants to enable us to develop this Colony as a first class asset for the British Empire, and I cannot get any answer to that. I do not think anybody knows, and therefore the answer is not available. But, talking about loans, I heard somebody going out from this Council yesterday stating that my requests were unreasonable, much too large (or the inference was there); that the schemes would cost five millions. What is five millions to-day or at any time? and I go back to my point that Great Britain has been giving loans *ad lib.* to everybody for years and to many who have since betrayed us, and has neglected her own colonies.

The hon. member Mr. Paroo is a little disinclined, or finds it difficult I will say in fairness, to understand what I mean. He fails to realize that what I meant was that we should take advantage of any experience from which we can get the slightest good out of the controls and regulations which have been brought into force during the war and of any reforms of any nature. I do not intend to suggest that we should continue any control which this Council does not consider to be to the entire benefit of the community. He fears, and the hon. member Mr. Shamsud-Deen (who unfortunately is absent at the moment), that controls may become more severe and also that the

forms of control in vogue to-day are incurring a certain amount of hardship on persons in each section of the population. They always do, and you cannot prevent them, but from conversations which I have had with members of the Indian community recently it seems to me that the controls already in force are entirely inadequate, and that the country may be forced to take greater and more stringent action to preserve the integrity of the communities. He doubts my sincerity regarding the equality of sacrifice and opportunity. In saying that I meant it, and I do mean it, in Great Britain, in this country, and also in India, but equality of sacrifice and opportunity must lie within the framework of the constitution, laws and positions of the countries concerned.

The hon. Member for Rift Valley asked me or stated that he did not quite understand what I meant by nationalization when I said that coal had been nationalized in England. I have my own interpretation . . .

LORD FRANCIS SCOTT: Sir, on a point of order, I did not say anything about coal but land.

MR. VINCENT: My inference was that land was our coal and it might be nationalized. My understanding of the nationalization of land is that every particle of land in this country, the owner of which will not cultivate to advantage, should be acquired and made use of to the best possible extent by rigid legislation if necessary at the earliest possible moment. In that I do not want to see any suffering at all or any force used which is going to be unfair to any sections of the community, I was very interested to hear from three speakers that I had exaggerated the fact that the previous Soldier Settlement Scheme had been a failure. This has given me a great deal of confidence, because I know that in the light of that experience and with the brains we have in this country to-day to deal with these matters, there is great hope for this new white settlement scheme with which we are all in entire agreement. As to the cost of the hospital, medical and maternity services, the point was raised by the noble lord, the hon. Chief Secretary and the hon. Financial

(Mr. Vincent) Secretary, I think, who said that I had said nothing about taxation. If the public demand certain services as a right, and I am certain that these services will soon be available in England as a right, then the money has got to be found for them. I am continually being asked, or told, that if we had made a higher rate of taxation Government would have done much more for us in the past years. My reply to that to-day is this, that if the British Government wants to develop this country as an asset and wants to finance it so that it has adequate capital, and expects us in return to bear a certain rate of taxation *per capita*, let them put up a proposition to us to consider, so that we can respond. I am not averse to high taxation providing it is equitable and does not stop people by means of its form from coming to this country and providing we get value for it. I do not think our present scheme of taxation is the best that can be conceived and levied at the moment, but I have found in Nairobi in the last two months a very strong body of opinion which wants these free services. From my own knowledge I am certain they should be made available.

I am sorry that the noble lord felt that I was making a personal attack on Mr. MacMillan. That was not my intention, and while not apologizing for one word that I said I would like him to accept the assurance that I was attacking "his master's voice" and not him personally. I do not attack people personally except in their office or mine, where probably the language and the procedure are a little lower than this Council allows, but are far better for getting the matter settled. I do not believe in personal attacks; I attack the system which has proved to be utterly rotten. There is a very important point the noble lord raised in regard to Sir Robert Brooke-Popham's report: and the hours, tireless hours, of energy and thought which were expended on this five-year programme. And what has happened? Exactly nothing! I warn Council that unless we do something now regarding the present schemes, exactly nothing will also happen to them. Regarding Colonial Office accountancy, I will deal with that later. Regarding the

man in the street, the man I am referring to is the man, the hardworking man, of moderate income who finds it very hard to save anything at all, whether in the street, in the house or on the land. In referring to the union of the six territories, I think the noble lord referred more or less to the same point, and I agree that if we wish this to come about we should put our house in order and make ourselves fit to join the other five territories. I was indeed flattered by the hon. Member for Trans Nzoia when he told Council that I had transported him from this sordid earth into the realms of beautiful dreams into a land of hope and glory, and I hope that the gallant colonel and myself will still see the day when this is a land of glory and still with some hope! He refers to the backwash of the last war, and that is what I also have warned Council against most emphatically. Referring to the point of the low price of produce in certain areas, I understand that the Supply Board or Government are willing to consider any application which shows that the price at which a certain commodity is being bought is too low, emanating from any particular district. I agree with him entirely, because farmers in certain districts have had losses for years and gone through very difficult times, and now when the change of world events should give them the opportunity of recouping some of the losses of the past, they are prevented from doing so by a very necessary control. I recommend consideration being given by the landlord to the New Zealand land re-acquisition scheme referred to by the hon. Member for Trans Nzoia. I think that I have touched on most of the points already that were raised by the hon. member Mr. Patel. I am afraid that the view of the hon. member Mr. Shamsud-Deen of the use of this Council is in the minority, and from my experience I can assure him that the work of this Council is not done by the Defence Council.

Referring to the remarks made by the hon. Financial Secretary, I was very pleased to hear that Government are prepared to submit these schemes whenever they are ready. Now I know a lot of them are ready and have been ready for a long time, and I therefore reiterate that

(Mr. Vincent) we should apply for finance for these schemes now and not leave it until it is too late, in face of the criticism that this may not be the time. I refer you to the remarks which have been made regarding the Colonial Development and Welfare Fund. If this fund is going to be used in this country, well, then let us get the finance now. I am also gratified to learn that one is able to go before the Standing Finance Committee and express one's views or ask any questions on any particular financial aspect. I am sorry the hon. Conservator of Forests disagreed with me so emphatically and so wholeheartedly. I am afraid I could never have thought it possible that I should come into this Council and receive such sincere, and overpowering assurances that one Department in this country at any rate is absolutely perfect. (Laughter.) I am afraid he misunderstood what I said yesterday, and I still maintain that if he had had twice the amount of money he could probably have done three times the work. I am very pleased to see that the hon. Director of Agriculture agreed with me on the matter of guaranteed prices, because I do believe that we have got to take great care that at the end of this war we are in a position to tide over a terribly difficult period. The Commissioner of Lands is right when he says we must either advance now in land settlement or recede. I wish Government would advance. Government must do something, and I understand that the Land Board is meeting before the end of this month and I am hopeful that the Land Board will take that view. The whole trouble, as he has pointed out, is the weak-kneed condition of past leaseholders, and I trust that any conditions which apply to the land under the new settlement scheme will be so framed that the man or the owner, or operator, is safeguarded and the community equally safeguarded. But I do ask the question, and ask it again and again, when are we going to do something? The Director of Education very kindly gave us various assurances which I know to be very sincere, but I get back to my old point that we must remove the savour of charity from education, medical and hospital fees and also pensions for old

settlers who are down and out and unable to earn a living.

I have detected an acceptance of the inevitable on the part of many members of this Council in this matter, not only in this Council but outside. I have been told "You will never do it; you will never alter it". I am going to try and alter it, and the harder the task, the more difficult the person, the more I relish the battle. Some hope? You are quite right! (Laughter.) I have attacked the system as a whole because I believe that it is entirely wrong. I will not attack the Government here because I know they are not responsible for their actions or lack of them, because of the lack of finance and men at their disposal. I would just like to recapitulate very very briefly one or two points before finishing. The first point is that I have tried to establish that the financial policy of the home government in the past has been wrong in relation to the development and general preparedness of this Colony. Our Government system of accounts, I maintain, is out of date; it is not scientific and it does not portray the true position as we know it and should be revised at once. Thirdly, it is necessary that the funds and land for our post-war schemes be made available now. Fourthly, we want a definite statement made as to the home Government's real intentions towards this Colony at the earliest possible moment.

I realize that it is difficult for Government to accept the second part of my motion, and with your permission, sir, with the permission of my seconder and of Council, I am perfectly prepared to withdraw that part. But I do want to feel that as a result of this discussion we can do something towards acceleration as we want to be able to proceed steadily with a progressive programme of planned agricultural, industrial, economic and social development, unhampered by the lack of land or finance so that we may develop this Colony as a valuable asset of the British Empire.

HIS EXCELLENCY: With the leave of Council the motion is withdrawn.

MR. VINCENT: I withdrew only the second part of the motion.

**HIS EXCELLENCY:** As I see the position I am afraid the whole motion will have to be withdrawn, not part of it only.

**MR. VINCENT:** The Government is not prepared to accept the first part of the motion?

**HIS EXCELLENCY:** Yes, but the motion is one whole motion. It is impossible to withdraw only one part of it, as I see it.

**MAJOR CAVENDISH-BENTINCK:** I therefore beg to move an amendment which is that the first part of the motion stands, omitting the second part.

**MR. HARRAGIN:** On a point of order, when a debate has been closed, has any member the right to reopen it by moving an amendment?

**HIS EXCELLENCY:** I think the hon. Member for Nairobi South, in his closing remarks, said that he proposed to withdraw the motion. (MEMBERS: No.)

**MR. VINCENT:** Only the second paragraph of the motion.

**HIS EXCELLENCY:** My recollection is that he did not use the actual words "second part".

**MR. VINCENT:** Yes. (MEMBERS: He did.)

**HIS EXCELLENCY:** He did? (MEMBERS: Yes.) Well, I will go back to that stage, if I misinterpreted the hon. member, and my ruling is that either the whole motion must be withdrawn or we must go to a division. I will have to put the question on the motion.

**MR. VINCENT:** I ask that the question be put.

The question was put and negatived.

#### ADJOURNMENT.

Council adjourned at 1 p.m. and resumed at 2.30 p.m.

#### CUSTOMS DUTY ON PETROL

**MR. WRIGHT:** Your Excellency, I beg to move: "Whereas the primary constitutional function of this Council is to provide moneys and to safeguard the interests of the public in the equitable

levying and disposal of such moneys and whereas the bill to increase the customs duty on petrol in the united opinion of the elected representatives of the public is inequitable in its levying and disposal, this Council deplores the procedure adopted by Government in forcing the measure against the unanimous vote of the elected representatives of the taxpayers".

As I hope Government will appreciate, this motion has much more in it than what it says. It records our protest and a growing resentment against Government which, by the power of the majority vote, uses that ruthlessly to flout and cancel out the rights and privileges of the minority. The fact that the vote taken on this issue when we last met registered a minority vote of 17 representing the united opinion of the unofficial vote on this side of Council of all sections, both elected and nominated, cannot I think be ignored by any Government. As a result, a cablegram was on the 28th of August transmitted through the courtesy of the Secretariat to the Secretary of State: "Elected members protest against highly improper procedure recently adopted in arbitrarily forcing a measure to increase customs duty on petrol through Legislative Council without adequate notice and against united votes of all elected and nominated representatives of the taxpayers whose constitutionally recognized function in Legislative Council is that of advising and deciding on questions of taxation incidence. Elected and nominated members unanimously contend that charges for protective measures against possible enemy action should fall on general revenue raised by heavy war taxation and not on special class whose use of cars is now confined to essential service. Trust you will issue instructions to reverse above cited improper procedure before debate on the motion already tabled takes place". Then this week by the courtesy of the hon. Acting Chief Secretary we had the following reply acknowledging the message, "that the Secretary of State for the Colonies has asked that the European elected members should be informed that he has carefully considered their request but sees no reason to intervene in the matter".

(Mr. Wright)

This, surely, is a peculiar form of government. (Hear, hear.) Born of autocracy, pretending democracy, yet damned by its own despotism. It has been suggested that this is not the time to oppose any measure of taxation, no matter how arbitrary, devised to give protective measures against enemy action, for the protection of a commodity essential as it may be—which incidentally is controlled by vested interests who presumably in the distribution and sale of the same make a fairly remunerative thing out of it. It has also been suggested that what has proved to be acceptable to neighbouring colonies might even be welcomed by us. Further, that the rush methods adopted to put this matter through in the unseemly fashion we witnessed last month was justified by Government on the ground that the procedure was on all fours with that normally adopted in the passage of alleged similar customs duties.

To take these points in their reverse order. The last point is a pitifully weak one since the control of petrol is such and the checks on consumption so thorough that it would be virtually impossible, or practically so, for any leakage or any profit to be made by the wicked trader without their being quickly traced and dealt with. The point that our neighbouring territories have said "Yes" to this measure only serves to demonstrate once again and to emphasize that miasma of acquiescence which prevails throughout East Africa, if not so particularly to-day in Kenya. But the chief point, that during war time it should be suggested that we should remain "yes-men" to Government in an action such as this, is nothing short of an affront to our intelligence. Inferentially we should allow our loyalty to be exploited rather than oppose Government in anything that Government does because of war time, no matter how unreasonable it is, or even if this was used as a taxing measure. Sir, I venture to say that the value of opposition to Government is as valuable during war time, if not more so, than in times of peace. That has been well exemplified since the war began when, in the United Kingdom, but for the strong

opposition registered in the mother of parliaments against the utter ineptitude and futility of the regime then in power—but for that, I say, we should not now be in the happy position of having Mr. Winston Churchill as our Prime Minister. In like manner, I say, that without strong and, in such cases as this, necessary opposition to your Government, and especially to that outworn system of overlordship from the Colonial Office, no real progress can ever be hoped for in this or other aspiring colonies.

I was greatly encouraged yesterday to hear the speech of the noble lord the hon. Member for Rift Valley, in which he paid graceful tribute to the present Secretary of State and also to the Under Secretary, Mr. Harold McMillan. I associate myself freely with that tribute. Some few months ago it was most encouraging to many of us old settlers in Kenya to hear the spirited defence put up by the Under Secretary of State in the House of Commons against our detractors. That is an experience we appreciate so much—to hear the Colonial Office analyse all the difficulties with conscript labour—that we resolved never to let such a man down. But we have had a long and bitter experience of Secretaries of State for the Colonies, and Under Secretaries, and we know and greatly fear the trend of things. Our calamitators grow in number apace, and we seem to develop at home year after year more implacable enemies against their race here than one would well believe, and it always seems to us (perhaps we are oversensitive) that the calamities are directed against one class without which the progress of this little Colony could not prosper, namely the settlers of Kenya. Well, let us state our fears and apprehensions. The trend of things is obvious. On account of a short sojourn in these near territories, one of our greatest critics, Mr. Creech Jones, has arrogated to himself the right to be the supreme critic of all these East African colonies, and farther afield. A few weeks residence farther south has enabled him to judge the exactness of the perfidy of his own compatriots in this country and the tendency for displaying that form of slavery which he



[Mr. Wright]

assumes is our guiding instinct. These things hit us on the raw, since there is the risk, following a devastating war when revulsions of feelings invariably set in, that it is quite within the bounds of probability that a Labour party shall assume power—I say we have good reason to fear (and I emphasize the word fear, not that it registers anything like blue funk) for the welfare of this and neighbouring colonies that Creech Jones may be Secretary of State-elect for the Colonies, in which case for his term of office, in view of his attitude towards us and others, God help the colonies!

Some of us feel that Government, even in Kenya, has far too long encountered very little opposition to these arbitrary measures in law or its actions generally, more particularly when, as in this case, a high principle is at stake. Some of us feel very strongly that that must cease, that it is intolerable that 20 members ranged on the opposite side of this Council should at your nod, sir, overwhelm 17 equally reasoning members on this side of Council and have passed into law a measure which we think inequitable in its incidence and unjust in every way in its application. Allowing the British habit which is traditional to bargain and arbitrate on all matters in dispute and difference between parties, and conceding even that the spirit of compromise which is a prerogative of the British race very frequently has its merits and is often justified by its benevolent results, I feel like stating my own simple creed and asseverate as a fact my belief that in matters of principle it is impossible honourably to compromise.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I beg formally to second the motion, and reserve the right to speak at a later stage.

LORD FRANCIS SCOTT: Sir, there is one aspect which the hon. mover did not touch on. It is a question which I have referred to in this Council on more than one occasion, and that is the position of the Governors Conference. As long as we have all these territories with several different governors in each of them, everybody must agree that it is an excellent thing that these governors should

meet and discuss matters. At the same time, the method of the Governors Conference is a very dangerous one from the constitutional point of view. Nobody knows what is on the agenda; nobody knows what decisions are arrived at; very meagre reports subsequently appear in the Press which do not tell us very much of the story. In fact, agreements are come to between the governors, and those governors feel committed to each other as has happened in this particular case. In this particular case, perhaps, it was rather worse than usual because you, sir, as acting Governor of Kenya had to put into practice what the *de facto* governor of the Colony had agreed with the other governors, and naturally you were in a difficult position to go back on what they did. That in itself is dangerous enough, but when the Secretary of State makes use of that Governors Conference to put decisions across these colonies so as completely to frustrate the functions of the very small constitutional powers which these various colonies have in their legislative councils, I maintain that from a constitutional point of view that is intolerable. I do trust that it will be brought to the notice of the Secretary of State how strongly we feel on this method of procedure.

MR. PATEL: Your Excellency, I am in a most unhappy position as far as this motion is concerned. My sympathies are with the motion, but I do not agree with most of the remarks made in support of the motion. When I entered the Council this afternoon I intended wholeheartedly to support this motion, but unfortunately, as far as the various constitutional issues raised in the debate are concerned, my views differ radically from those of the previous speakers. For instance, the unofficial European side, or at any rate the majority of them, are afraid of a Labour Government being in power. Well, I may frankly say that as far as the Indian community is concerned they always look with hope and faith towards the Labour Party in England. The other thing is that I am in favour of this Government not carrying out any policy which is opposed by the unanimous opinion of the unofficial side, but at the same time the Indian community has maintained, and still is of the opinion, that the check of

[Mr. Patel]

the Colonial Office is necessary for this country, for the simple reason that where mixed communities are residing it is likely that a small section who may become powerful enough to control Government may not do the same justice and take the same detached view of problems as the Colonial Office is likely to take.

I feel amused when some of the members on the unofficial side talk about vested interests in London. I may say that there is a large section of the population of this country who consider that here in this country also there are vested interests, and a privileged class who are not prepared to give a fair deal to a large section of the population of the country. It was argued in support of the motion that Government is taking advantage of its majority. Well, that is true about the petrol motion: at the same time I may remind Council that there are sections of the population who have a larger number and are still in a minority and are not getting what they ought to. With the remarks which are made in support of the motion I disagree, and for that reason I say again that I am in the most unhappy position in that I am supporting the motion but not the remarks in favour of the motion. I may say in fairness to Government that in no other colony the unofficial members, not having a majority on the Council, influence Government policy as much as they do in this Colony. I think that Government (whatever they may mean), and then proceeded to "Confessions" (which sounded almost too appropriate), "Confusion of Goods" and "Conjugal Rights" (the latter two were next door to one another and do seem rather intimately connected), and there I stopped aghast, for I was faced with nearly 500 pages of constitutional law which I decided then and there to leave to my hon. and learned friend the Attorney General to deal with. I might also have begun my speech by congratulating my hon. friends opposite over the rather unusual spectacle of complete unanimity (or very nearly so, I am not quite sure) on the other side—the Tanganyika lion, is apparently, lying down with the Kenya lambs—they had both better be careful. But I shall do

The other thing I desire to state is that I appreciate the point of view of Government on this motion, that they had to take action in consultation with the adjoining territories and, having taken that action, were in a difficult position on the day that particular petrol bill was passed. At the same time, I think Government should have postponed their decision when there was unanimous opposition on the unofficial side, and

consulted the adjoining territories again and reviewed the position. Again I state that I am in favour of the motion, but at the same time I do not agree with most of the remarks in its support.

MR. NICOL: Your Excellency, I think it is deplorable that on a motion such as this one this unfortunate, unhappy racial argument should be brought in. I am very sorry indeed to see this argument brought in as it has been at every opportunity during the last two days. There is nothing racial in this motion at all. All I want to say is that the methods employed to enact the Petrol Bill earlier in this session put grave fears into the minds of those of us who have our homes out here, and I do sincerely trust that it will be impressed upon the Secretary of State and the people at home that we as a Colony here, all communities, having the interests of everybody at heart, do not appreciate the steamroller effect which Government employ when trying to introduce measures such as this. (Hear, hear.)

MR. STURROBE: Your Excellency, I had intended to preface my remarks by quoting *in extenso* extracts from the opening chapters of Dicey's "Law of the Constitution", but unfortunately I could not find a copy of this work in the Law Library at the Law Courts, so I turned instead to Vol. VI of Halsbury's "Laws of England", which was really most intriguing. I began with "Compulsory Purchase of Land and Compensation", "Concealment of Birth" and "Condition" (whatever they may mean), and then proceeded to "Confessions" (which sounded almost too appropriate), "Confusion of Goods" and "Conjugal Rights" (the latter two were next door to one another and do seem rather intimately connected), and there I stopped aghast, for I was faced with nearly 500 pages of constitutional law which I decided then and there to leave to my hon. and learned friend the Attorney General to deal with. I might also have begun my speech by congratulating my hon. friends opposite over the rather unusual spectacle of complete unanimity (or very nearly so, I am not quite sure) on the other side—the Tanganyika lion, is apparently, lying down with the Kenya lambs—they had both better be careful. But I shall do

[Mr. Surridge]

such thing. I shall merely admit that on this particular question the Government was caught with—shall I say unprepared for the storm which followed?

It would be difficult, Your Excellency, to reply to this motion, which I need hardly say Government is unable to accept, without explaining briefly the reasons which actuated Government's decision. I therefore crave the indulgence of this Council to give as shortly as possible the history of events leading up to the introduction of the Customs (Special Duty on Petrol) Bill in Legislative Council on the 19th August, which aroused such a storm of protest in this Council, if not perhaps in the Colony, and against which eight unofficial members spoke during the debate.

On the 22nd of September, 1941, we were informed that H.M. Government had decided to wall the tanks at Mombasa at a cost of approximately £2,000, the work being undertaken by the companies themselves. We were also informed that the incidence of cost should be settled on its merits, and that the normal arrangements as regards walling of commercial tanks is that the oil companies are allowed to recover the cost either direct from Government or by increased charges to the consumers or by a combination of both methods. When this telegram arrived the then Financial Secretary was attending a Financial Secretaries Conference in Dar es Salaam. The telegram was sent to him there and the question was considered by the Conference, which recommended that in view of the small amount of money involved the cost should be borne by the three Governments. Soon after this recommendation had been made this Government received information that the figure of £2,000 quoted by the Secretary of State was extremely wide of the mark and revised estimates, totalling some £54,000, were received from the various oil companies. (Laughter.) Mr. Lockhart's reaction was, perhaps not unnaturally, to try and find some other method of paying for the work, and after considerable reflection he came to the conclusion that the right way of dealing with the situation would be to ask H.M. Government to pay two-thirds of the cost in respect of consumption by the Services

and the civilian consumer to pay the balance by an increase in the cost of petrol. This recommendation was accepted by the other East African Governments.

I would here stress the fact that the East African Governments were unanimous in their decision that the civilian consumer should be called upon to bear part of the burden. In coming to that decision they were largely influenced by the fact that in the United Kingdom one half of the cost of such work is paid for by Government, and the other half by the civilian consumer, and that in South Africa, towards which some at least of the hon. members on the opposite side of the Council have been gazing rather hopefully in recent months, the Union Government went considerably further and decided that the consumer should pay for the whole cost of the works, which amounted to a very large sum and, incidentally, that the amount collected by the oil companies should be free of all Government taxes. This cost the consumer one penny a gallon and, so far as my information goes, neither he nor his elected representatives uttered a word of protest (perhaps they didn't realise what had happened!). I would also point out some possible repercussions if Government had decided to charge this expenditure to revenue. Several firms engaged on work of national importance have already undertaken at their own cost a good deal of protective work on their buildings. I am informed that Unga, Ltd., have done a good deal of work in this way and that the East African Power and Lighting Company have spent at least £1,000 on such works. If Government had decided to charge such work to general revenue, we should no doubt have been faced with substantial claims from these and other firms. Moreover my hon. friend the General Manager of the Railways might well have asked that some £19,000 which the Railways have spent on protective works should be met from general revenue.

That, briefly, is the case, and I must emphasize that when what the *East African Standard* is pleased to call the old steam roller, a bit rusty from lack of use, was dragged out the Government, having regard to its obligations to the other East African Governments to in-

[Mr. Surridge]

introduce the legislation on the same day, had no other alternative. Under the existing constitution it might have passed the bill through Executive Council, which would have delayed reference to this Council for a further eight weeks. Since then the Government, taking note of the views of unofficial members of this Council, has again examined the matter most carefully with a view to meeting from revenue a third part of the cost or at least part of it. But the views of the unofficial members of Kenya seem to be at variance with those of the unofficial members in Tanganyika and Uganda, who consider that there is nothing very discreditable in asking the civilian consumer to bear his share of the burden. In Tanganyika—it rather surprises me—only one unofficial member of Legislative Council raised the point to which the hon. members opposite have taken such exception, and I am informed that the bill was passed unanimously. In Uganda, the question was not debated in Legislative Council as the necessary law was passed by order of Executive Council. I am informed, however, that there has been no objection on the part of unofficial members there. As I stated before, I will leave my hon. and learned friend the Attorney General to deal with the constitutional issue. I did find one extract from Halsbury that I thought might be relevant, but he would not let me quote it—it is a pity as it sounded so well when I read it aloud.

Finally, I would ask those hon. members who are in any doubt as to whether this motion should be pressed, to remember that there are other rather more important matters occupying the world to-day. While the principle upon which this motion is based is admittedly of first importance, it is a principle that, as a general rule, this Government does accept, and no one can say that the Government of Kenya, in these days at any rate, does not collaborate most fully with the unofficial members and is indeed very conscious of the great assistance which they have so freely given. But there are times when even the highest principle must be abandoned, and this, in the opinion of Government, was one of those times. I suggest to hon.

members that this matter really hardly merits a full-dress debate on constitutional principles nor, in my opinion, will the Colony and Protectorate of Kenya enhance its reputation in the eyes of the world if the motion is pressed to its conclusion. Some unkind people at home might even say that Kenya fiddles while Russia burns. I beg hon. members, therefore, to forget this difference of opinion, and let us go forward together until, to borrow Mr. Churchill's phrase, "that wicked man and his lackey and their hirelings" are finally disposed of.

COL. KIRKWOOD: Your Excellency, I am naturally in support of this motion and I agree with every word that has been said by the speakers on this side of the Council. I do not think we need stress the constitutional issue; I think the hon. Acting Chief Secretary has overdone it—quite overdone it. The matter is a simple one. Approximately £60,000 had to be spent, so it was decided to spend it on protecting the oil installations at the coast, which are the private property of a parasite company known as the Oil Company. They should protect their own property and I think it is ridiculous to say that in the interests of the war effort they should be exempt from expenditure on protecting their own plant.

I think the hon. Acting Chief Secretary has been rather unfortunate in the two quotations he made; that is he referred to the Electric Light Company in Nairobi, who have themselves spent approximately £1,000 in protecting their property. May I inform him that that expenditure has not been passed on to the consumer? Why did you mention that, sir? A schoolboy would not have mentioned it because it only hits back as a boomerang. He also mentioned the K.U.R. & H., that if they had spent money on protecting their Railway they would have the right to pass it on. Surely that would come out of the funds of the Railway; it would not come out of Railway rates; they would not increase the rates to the consumer, they would not pass on to the consumer the liability for whatever protection may have been afforded to their buildings and their railway. To me, it seems such a simple matter. We give way to the extent that we are prepared to find the money, but

[Col. Kirkwood]

we have the right—after all it is robbing the taxpayer of this Colony—we have the right to get consideration from Government how that money is going to be paid, whether we pay it as an increased charge on petrol or whether we pay it out of the general funds of the Colony which is contributed by the whole of the taxpayers of this Colony. That is what we ask, and I cannot understand why this matter has not been deferred so that agreement between Government and the opposition on this side of the Council can be reached. It seems to me that the Secretary of State—although we have been told he is a very fine fellow—has still got that Colonial Office view; he has still got the big stick in his hand and must use it.

You could interpret the communications handed to the hon. Member for Aberdare (who is Chairman of the Elected Members Organization), in two ways; I take it in two ways. In effect he says he does not think it necessary for him to intervene. That could be taken to mean that he has no intention of altering what has been done, but it could also be taken to mean that it is not necessary for him to intervene because he prefers to leave it to the man here—Sir Henry Moore—he is Governor in this part of the world, and the Governor of this Colony, sir, has been referred to as the man on the spot—leave it to him to come to a compromise, but obviously the men we have got here are too small. A big man will always give way within reason, within justice, with equity; not the officials in Kenya.

MRS. WATKINS: Your Excellency, I am in an unhappy position, because I hate making a fuss about such a small sum of money; when the most one is allowed is one to eight gallons of petrol a month it is making a fuss about 60 to 80 cents. But I know that it is not really the money, it is the principle, but I do hate the idea of this going home to England and it being possibly represented that we are making a fuss about an infinitesimal point of taxation. I would also suggest to the previous speaker that the big stick is not so much in the hands of the Secretary of State as it is in the hands of the oil companies.

What business have the oil companies to lay down the law to the Secretary of State of British colonies? It seems to me an incredible position, more particularly when we read that a certain company which is, I believe, also represented out here, had actually a reciprocal arrangement with Germany for the interchange of the processes for synthetic rubber, and kept to its side of the agreement long after Germany had ceased to be reciprocal, and also long after Pearl Harbour. When one reads that an oil company is acting against the interests of the Empire as a whole, does it make one any more sympathetic to all the companies over-reaching themselves out here by stating that it is not "economic" to protect their wares that are vital for the war effort and that they must be protected at Government expense. If the Railway and the Electric Light Company can pay these charges, surely we can make these oil companies? and it seems to me that with one company's foul record—and it is a foul record, nothing can be more foul than that—when such a record is established in America and you have here perhaps that company and other oil companies insisting that the Colony pay for their overhead charges, it is about the ultimate limit. That is what I should like to go home, the protest against dealing with any company who has done that, anywhere in the Empire any more. It seems to me iniquitous to sit down here and solemnly decide who shall pay the overheads for these oil companies. Let them pay them. It makes me very angry indeed. I know this is a matter of principle with the elected members. I am ashamed of trying to push any tax away at the moment, but I do think the oil companies are absolutely leading us by the nose and I am sorry that this Government is so led.

MR. HARRAGIN: Your Excellency, I feel that I should be neglecting my duty if I did not say something in view of the speech of the hon. Acting Chief Secretary, who gave Council to understand that I am going to lay down the law regarding constitutional principles. I can only tell you that I have no intention of doing anything of the sort. I am the first to admit, as the hon. mover said, that there is more in this motion than

[Mr. Harragin]

meets the eye. The motion itself, taken by itself, is harmless enough and is hardly worth discussing, because it means that in the first place seventeen players on one side were beaten by twenty players on the other, and the next week they not unnaturally protest about it. But I am well aware that that is not the real matter of discussion to-day. We then look at the motion again, and we endeavour to discover what it is that exception has been taken to. On the face of it, all that was passed on that particular day when the Petrol Bill went through was that the importers should have to pay five cents or whatever the sum was. Having heard the last speaker, that would have been welcomed by everybody, because the importers are the oil companies, so that what we really get down to is a vote of censure on Government that they permitted the Price Controller to allow the oil companies to pass that five cents on, to the consumer, because that is what it amounts to in a rather roundabout way. (Members: No.)

Even that it is quite apparent is not the issue which members want to discuss to-day, but it is some constitutional question which is alleged to be in various words a constitutional right that has been trampled upon by the Government steamroller. It is not a question of any constitutional right. It is, fortunately or unfortunately—I am not here to argue whether it is a good or bad thing—a constitutional fact that under Crown Colony government the government of the Colony has an official majority. When Crown colony government is altered, presumably the majority will be placed on the other side of Council, or indeed they will be transferred to this side of Council. It has already been explained to this Council the very difficult position Government was in when this motion came on. One hon. member has suggested in effect that we have been blackmailed by the oil companies. The facts are that the oil companies did not wish this particular form of tank protection put up, and Government realized at the very beginning that it was a very necessary thing, while the oil companies said it was not a commercial proposition and as far as they were concerned they had no intention of putting up anything. Govern-

ment, however, realized that it was essential not only from the point of view of the naval, air force and military but civilian population, and not unnaturally told them to get on with it and discuss later who pays. That is in fact what happened, and you have heard how the total mounted from £2,000 to £58,000 in the space of a few weeks.

That was the first point. It would have been quite easy at that stage (you heard how His Majesty's Government agreed to pay two-thirds) for Government to have said to the oil companies "You spend whatever it is, and if you want another £20,000 if you can convince the Price Controller it is a fair thing to do you can add so much a gallon to your oil products". But the matter did not end there because the oil companies said "No, we are not playing that way at all, because if we do that, this investment as you will call it of ours in putting protection round the oil tanks is capital expenditure and when we show on the other side of the picture every five cents increase from petrol the Income Tax Commissioner will step in and say "Well, you have got to pay your income tax or supertax on this"—(A member: Excess profits tax!). (COL. GROGAN: The cat's out of the bag now.) (Laughter.)—therefore Government will be doublecrossing us, because you tell us we can recover the money and as soon as we recover it you take it back very cleverly in the form of income tax". However, that was the position Government was in, and therefore some scheme had to be devised whereby these people got the work done which they alleged they had done for us not as owners of oil products but as contractors for us in putting up those works, and that was the real reason why this rather complicated and roundabout system of collection ever came into being.

COL. GROGAN: Will the hon. member explain to us through what undisclosed channel this privileged party has access to Government to discuss methods whereby they can avoid income tax? (Laughter.)

MR. HARRAGIN: There is nothing to explain in this case, because when it was suggested to them what I have told you they had sufficient intelligence to see at once what would be the effect on their finance.

COL. GREGAN: Are other people given similar opportunities to discuss it?

MR. HARRAGIN: Certainly; any taxpayer who knows that by accepting a contract in the way it was suggested or might be suggested to them will have extra taxation thrown on them presumably . . .

COL. GREGAN: Why a contract? not obligation?

HIS EXCELLENCY: Order, order!

MR. HARRAGIN: I do not intend to be drawn into that particular subject. We all have our own views as to who should pay or who should not, but in the end this country had to find £20,000, and you have heard the history leading up to it. A great point has been made of the improper procedure which cancelled out the rights and privileges of hon. members on the other side of Council, and that these were rush methods. Well, of course, the fact is, I would explain, that when anything of this sort does happen it usually does affect certain dealers and traders, who could have taken advantage of this petrol tax if they had known it was coming on. This would be particularly true as hon. members must know of dealers who can always obtain their petrol as soon as they send in the necessary coupons, so that while they might not have made a great deal of money I am the first to admit, if dealers had known that the day after to-morrow there would be a temporary tax on petrol they could have cashed in on their petrol permits the day before, and undoubtedly there would have been a rush on petrol, and I think naturally, and you cannot blame them. When we say on this side of Council that we were following normal procedure regarding the imposition of customs duty, it is a fact and one which cannot be denied, though I am the first to admit that in this particular case people could not have taken much advantage of the position as can be done in the majority of cases we have considered before in this Council.

The next point which was made was with regard to the Governors' Conference. Well, hon. members, and particularly the noble lord, the hon. Member for Rift Valley, know as much as I do or more about the customs agreement,

and it must be realized that where a tax is going to be imposed say on petrol within the customs union it must be done by all three governments and must be done at the same time. It does seem to me a little hard to take the Governors' Conference to task on this particular occasion, because I would have thought that this was a case when the governors should get together and decide whether it should be done, because it had to be done everywhere at the same time. And you have heard how in fact it was done in Tanganyika and Uganda in the way mentioned by the hon. Acting Chief Secretary on the day we were sitting in this Council. That brings me to another important point. One hon. member referred to the spirit of compromise, another member pointed out how small the amount involved was in this particular case for the Government or the individual consumer. The fact is this as you must well know, that if it had been possible when it was discovered that hon. members on the other side of Council felt so strongly about it, if it had been possible without causing absolute chaos a meeting would have been called and we would have come to some compromise. In fact, it had to go through or there would have been complete chaos, and we would have had to tell the neighbouring colonies that the 5 per cent tax on Kenya was not to be levied and we would pay £20,000 from general revenue. That was the reason why it seemed peculiar to members on the other side that Government should have brought out the steam-roller for use in so small a matter. I am confident that had hon. members been in the same position as we ourselves, had they been on this side of Council in the majority, and had they been responsible for seeing that normal measure of uniformity which has to go on between the colonies under the same customs union was carried out—they might have said whatever you like, bullying, blackmail, or whatever you like to call it by the petrol companies into doing this thing—they would have done exactly the same thing as we did.

I do feel that if this is to be treated as an example of the curse of Crown colony government, it is really a bad one. I do believe that hon. members on the other

[Mr. Harragin]

side could think of many stronger and better cases, and I feel that now the facts have been explained and the position Government was in that particular morning hon. members will realize that it had to be done in that particular way. For that reason I am afraid that Government is unable to accept the motion. I would only remind you that it has been said on the other side of Council on several occasions, "If you are the Government for heaven's sake govern". Government has on this occasion and look at the result.

DR. WILSON: Your Excellency, might I express the hope that there are no further speeches from the other side of Council against this motion, because whatever might have been against it has now completely disappeared as a result of the two speeches from the other side. (Hear, hear.)

MAJOR CAVENDISH-BENTICK: Your Excellency, I am sorry that on yet another occasion a session of this Council is undoubtedly going to end in an atmosphere of acute acidity. I would draw your attention to the remarkable difference between the two and only speeches made by the hon. members opposite. One, a speech, with all due respect, by my hon. friend (and I say friend) who has not had much experience of this Council or of Kenya, which speech, I am afraid, I can only describe as somewhat arrogant and not a little insolent so far as members of this Council are concerned. As against that, I would differentiate between his speech and that of my hon. and learned friend the Attorney General, who has had much experience of this Council—he also used to try the same tactics but has found that they did not pay. The hon. Acting Chief Secretary tried somewhat aggressively to justify Government, he tried to maintain that there was no fault to find either with the procedure or, with the method which was adopted by Government in this matter. The hon. Attorney General tried, without much success as pointed out by the last speaker, to justify Government in a friendly sort of manner. I do not think there was any point in starting a speech of the kind made by the hon. Acting Chief Secretary with an enumeration of the pages, chap-

ters, and volumes, of Halsbury's Laws of England that he has studied, as one might in these days have suggested that there was not much time for that kind of pursuit. One might even suggest that telegrams to the Secretary of State sent by the Elected Members Organization should not have lain twelve days in the Secretariat before they went off while the hon. members responsible were studying Halsbury's Laws. We on this side can hit back when attacked but . . .

MR. SURREIDGE: On a point of order. I have already explained and have apologized profusely for the delay, and gave him the reasons.

MAJOR CAVENDISH-BENTICK: It is no good suggesting there is not a constitutional issue in this matter, because there is. It is no good suggesting this increase might have been passed by Executive Council without reference to the members of Legislative Council, because that has not been the procedure in this Colony as regards matters of finance. It is no good comparing this Colony with neighbouring territories because this Colony has got elected representation and the neighbouring colonies have not. There is a very vast difference between the two positions. It is no good being sarcastic suggesting that some of us are looking towards South Africa, and that South Africa had passed a measure alleged to be similar to the one Government passed here in order to meet the same difficulty. Naturally we look towards South Africa in view of the way we are treated from the opposite end, that is, by the United Kingdom on these sort of occasions—we are driven to it! Not can you compare the measures adopted, because in the Union Government a bill was formally passed by this Legislature, and let me point out that their Legislature did not pass a Customs Ordinance in order to defeat its own income tax laws, but passed a measure whereby the companies could charge the consumer with the cost and relieving the companies openly and above board, of income tax in respect of the moneys collected for that purpose, so that everybody knew what was being done, which is vastly different to the measure adopted in this country. What in fact happened here was that it was agreed that the home Government should

[Major Cavendish-Bentinck] pay two-thirds and this country pay one-third of the cost. The method of collection that was suggested in respect of our third was for the oil companies to make a charge on the consumer. Nobody here is arguing whether the works were necessary or not; we agree they were necessary and agreed that the money needed had got to be found. When it was suggested that the oil companies should make a charge on the consumer, they pointed out, as admitted by the hon. Attorney General, that that would let them in for income tax and excess profits tax on the moneys so collected. Why did we not do what South Africa did and openly let them off? No, we did not do that, but passed a Customs Ordinance to defeat our own legislation. That was a wrong way. The matter should have come to this Council when we could have discussed the proper method of levying the necessary moneys; and if it had been done that way Government would have got the money and everything would have been above board.

I am not going to waste the time of Council in this futile debate except to ask for two things. The first is that I challenge Government to give a free vote on this subject, and I challenge the hon. members opposite to exercise their consciences in voting freely on what they think the right or wrong method of dealing with the oil companies in respect of these security works or defence measures which had to be constructed. In closing, I should like to say that it is no good suggesting that more important matters occupy the world to-day and that this discussion is a complete waste of time. I agree that we do not want to spend hours and hours in Council discussing such things. But in the world to-day the chief matter which occupies most of us is fighting for the maintenance of the rights ordinary citizens have always had in democratic countries. If we depart from that, I say we are not discharging our responsibilities not only to those in the country but to those who will come after us in this Colony when the war is over.

MR. COOKE: Your Excellency, I did not intend to speak, but I must dissociate myself while supporting the motion on

the constitutional issue, from the phrase of the hon. member about the speech of the hon. Acting Chief Secretary being "insolent" or "arrogant". I myself am often accused of insolence and arrogance in this Council, and that may be so, but if the hon. gentleman had wished to be "insolent" or "arrogant" he might with justice have pointed out the inconsistency of my hon. friend in saying that the maize consumer must bear the cost price of maize while at the same time he insists that the petrol consumer should not bear the cost of petrol. I cannot see . . .

MAJOR CAVENDISH-BENTINCK: We are talking about the cost of defence measures for the sources of petrol wanted by the military and civilian population, a different subject.

MR. COOKE: The maize pool is similar. My real reason for standing up was that I myself did not see anything "arrogant" or "insolent" in the attitude of the hon. Acting Chief Secretary.

MR. WRIGHT: Your Excellency, the case has been very well dealt with by the members following me on this side; far better than I could have done myself, and there is no real case to answer. But in the statement by the hon. Acting Chief Secretary I understood him to say one thing which appals me—and I trust he will correct me at once if I am wrong—he said there are times when even the highest principles have to be abandoned. Am I correct, Sir?—because that to me is an appalling gospel and heaven knows where it is going to lead us in these days of murk and cloud. If we are going to leave principles then as a race we are sunk. There are some of us on this side of the Council whose forbears would never sink their principles on any account, and they have never acknowledged there was any time when such principles had to be abandoned.

Another point which strikes me as being remarkable is that in his history my friend the hon. Acting Chief Secretary gives the reasons which actuated Government's decision and relates the history which goes back a full year, to September, 1941. Is it not adding to the eternal affront which we have just suffered that after a year's deliberation on this issue

[Mr. Wright] Government should come along and in the space of a quarter of an hour or less push through in all its stages a bill of this nature? I therefore, Sir, confirm and support the appeal made by my hon. and gallant friend the Member for Nairobi North that you, Sir, shall give a free vote on this particular issue.

All the points raised by the two hon. members sitting opposite have been completely exploded by a speaker from this side most effectively and it is for that purpose, Sir, that you, having control of the twenty professional players opposite—twenty professional players against seventeen amateurs on this side—are now asked to stand back (one half of the game is over) and let them give voice simply to the dictates of their conscience.

In conclusion I have pleasure in reading a telegram received here while I was speaking before: "Cannot attend Council owing Ramadan, Inform Council that we favour your petrol motion. Sheriff Abdulla." I am glad and proud that the Arabs associate themselves with my motion. (Applause.)

The question was put and negatived by 21 votes to 13, one member not voting:

Ayes—Major Cavendish-Bentinck, Mr. Cooke, Col. Gherrie, Col. Grogan, Mr. Kasim, Col. Kirkwood, Mr. Nicol, Mr. Patel, Mr. Paroo, Lord Francis Scott, Mr. Vincent, Dr. Wilson, Mr. Wright—13.

Noes—Messrs. Blunt, Brown, Daubney, Fazan, Gardner, Harragin, Hebdon, Hodge, Hosking, Izard, Lacey, Montgomery, Mortimer, Northrop, Paterson, Pedraza, Robins, Stronach, Surridge, Tester, Tomkinson—21.

Did not vote—Mrs. Watkins—1.

#### SCHEDULES OF ADDITIONAL PROVISION No. 1 of 1942

MR. SURRIDGE: Your Excellency, I beg to move that the Standing Finance Committee report on Schedule of Additional Provision No. 1 of 1942 be adopted. The Schedule deals with the period 1st January to 31st March, 1942. The total additional provision is £126,000-odd and £151 under Joint Services.

MR. TESTER seconded.

The question was put and carried.

No. 5 OF 1941 AND No. 2 OF 1942

MR. SURRIDGE: Your Excellency, I beg to move that the Standing Finance Committee report on Schedule of Additional Provision No. 5 of 1941 and No. 2 of 1942 be adopted. As regards No. 5 of 1941, it is the last for the year 1941 and the amount involved for Kenya is some £96,000, Joint Services £7,289 and loans £997. As regards No. 2 of 1942, the amount involved for Kenya is £455,726.

MR. TESTER seconded.

MR. COOKE: Your Excellency, I merely rise to protest against this minor budget being brought up in this fashion and to ask why several of these items could not have been included in the Estimates.

There are several items I want to question but I will question only one of them, No. 51, the necessity for sending anyone to the Sudan and Egypt in order to obtain information about locusts. Surely that could have been done by telegraph or some other means. It seems a very expensive item.

MR. BLUNT: Your Excellency, in reply to that question the position was this, that although there is an organization charged with the dissemination of information with regard to locusts, we had information from home to the effect that there was an outbreak both in India and in the west of Africa about which we had not heard. We were unable to get any confirmation of what the position was although we got into touch with Khartoum on the subject. The Entomologist went up and consulted with the Sudan Entomologist who also had no information on the matter and it was not until this officer went to Cairo and approached the Egyptian Government that it was found out what the position then was and that there was a direct menace likely to affect these countries.

Sir, I suggest that that money was extremely well spent and the fact that we got that information at the time we did and that was the only way of getting it, has enabled us to take steps to stop what might have been a minor locust invasion at the present time.

MR. COOKE: Is he arguing . . .

**HIS EXCELLENCY:** The hon. member is not in order.

**MR. COOKE:** Am I not in order in reminding the hon. member that he has not answered my query?

**HIS EXCELLENCY:** No, you are not.

The question was put and carried.

**PENSION: A. F. D'SOUZA.**

**MR. TISHER:** Your Excellency, I beg to move: "That this Council approves the payment of a reduced pension at the rate of £8-7-1 a year with effect from the 18th September, 1942, inclusive, and a gratuity of £27-17-6 to Mr. A. F. D'Souza in respect of his temporary service in the Military Establishment from the 14th November, 1916, to the 5th December, 1918, both days inclusive."

Council will recognize that the service with the Military, which was continuous with service with the Civil Government, is not covered by law and for that reason a special motion is necessary before the Council. There are a certain number of precedents for this procedure based on the same conditions, that is service with the Military before joining the civil forces, and I recommend Council should approve it.

**MR. HARRAGIN** seconded.

The question was put and carried.

#### ADJOURNMENT

Council rose at 4 p.m. and adjourned sine die.

#### WRITTEN ANSWERS TO QUESTIONS

##### NO. 12—WAR EXPENDITURE, CIVIL

**MR. COOKE:**

With reference to Head 40, War Expenditure, Civil, of the Colony's Estimates for 1942, will Government give full details of the personal emoluments paid under the following sub-heads:—

(a) 6(a)—Censorship.

(b) 7—Custodian of Enemy Property.

(c) 8—Supply Board.

(d) 9—Man Power Committee.

(e) 11—Information Office.

2. Will Government see that fuller details regarding these and other items under Head 40 are given in the Draft Estimates for 1943?

#### Reply:

The following are the full details of the personal emoluments paid under the sub-heads referred to in the question:—

##### (a) 6(a)—CENSORSHIP

2 Deputy Censors: 1 at £610 p.a., 1 at £500 p.a.

3 Assistant Censors (Male) at £440 × 20 - 500 × 10 = £600 per annum each.

1 Assistant Censor (Male) at £24 per annum.

11 Assistant Censors (Female): 7 at £360 p.a. each, 4 at £300 p.a. each.

4 Assistant Censors (Female) at Sh. 2 per hour on weekdays and Sh. 2/50 per hour on Sundays and public holidays.

1 Assistant Censor (Asian) at £180 p.a.

2 Sorters (Male): 1 at £360 p.a., 1 at £300 p.a.

3 Sorters (Female) at £180 p.a.

3 Clerks (Female): 1 at £270 p.a., 1 at £240 p.a., 1 at £225 p.a.

3 Messenger boys at varying rates: £32 p.a.

##### (b) 7—CUSTODIAN OF ENEMY PROPERTY

4 Assistant Custodians: 1 at £600 p.a., 1 at £350 p.a., 1 at £480 p.a., 1 at £380 p.a.

2 Accountants: 1 at £330 p.a., 1 at £275 p.a.

1 Cashier at 300 p.a.

2 Clerks: 1 at £300 p.a., 1 at £240 p.a.

1 Office boy: £15 p.a.

##### (c) 8—SUPPLY BOARD

1 Secretary at £780 p.a.

1 Price Controller at £525 p.a.

5 Assistant Price Controllers (Europeans): 1 at £540 p.a., 1 at £480 p.a., 1 at £420 p.a., 1 at £360 p.a., 1 at £120 p.a.

1 Price Inspector (European) at £540 p.a.

5 Assistant Price Inspectors (Europeans): 1 at £240 p.a. (Female), 2 at £120 p.a., 2 at £90 p.a.

2 Price Prosecutors: 1 at £125 15/68 p.a., 1 at £120 p.a.

1 Assistant Iron and Steel Controller at £360 p.a.

17 Clerks (Female): £1 at £450 p.a., 1 at £360 p.a., 3 at £300 p.a., 1 at £270 p.a., 2 at £240 p.a., 1 at £210 p.a., 1 at £195 p.a., 3 at £180 p.a., 1 at £150 p.a., 1 at £120 p.a., 1 at £90 p.a., 1 at £60 p.a.

Paid to War Risk Insurance Board for clerical assistance, etc.: £600 p.a.

Paid to African Mercantile Co. for clerical assistance: £300 p.a.

6 Clerks (Asians): 1 at £210 p.a., 3 at £180 p.a., 1 at £150 p.a., 1 at £90 p.a.

1 Clerk (Native) at £48 p.a.

7 Office Boys (various rates): £89 14/- p.a.

##### (d) 9—MAN POWER COMMITTEE

1 Deputy Director, Indian Man Power: £600 p.a.

3 European Clerks (Female): 1 at £300 p.a., 1 at £180 p.a., 1 at £144 p.a.

3 Asian Clerks: 1 at £150 p.a., 1 at £105 p.a., 1 at £48 p.a.

3 Office Boys: 1 at £16 p.a., 2 at £12 p.a.

##### (e) 11—INFORMATION OFFICE

1 Acting Information Officer (Acting Allowance): £95 p.a.

1 Assistant Information Officer (Part-time): £240 p.a.

8 Stenographers (Europeans): 2 at £300 p.a., 5 at £240 p.a., 1 at £120 p.a. (half).

1 Accountant (European): £240 p.a.

5 Clerks (Europeans): 1 at £240 p.a., 1 at £210 p.a., 2 at £180 p.a., 1 at £60 p.a. (part-time).

2 Translators (Asians): 1 at £240 p.a., 1 at £60 p.a. (part-time).

8 Native Translators and Announcers at varying rates: £410 p.a.

3 Native Staff of Mobile Cinema Van at varying rates: £109 p.a.

3 Native Clerks at varying rates: £66 p.a.

9 Messenger Boys at £15 p.a.: £135 p.a.

1 Native Telephone Operator: £36 p.a.

The answer to the second part of the question is in the affirmative, in so far as the publication of additional details is not considered to be contrary to the public interest.

##### NO. 14—MAIZE DELIVERIES

**COL. KIRKWOOD:**

(a) Will Government please state the amount of maize sold for export by the Supply Board since June, 1941, (b) the price obtained, (c) condition of delivery, (d) amount delivered to date, (e) deliveries outstanding, (f) and why was the maize crop sold before it was harvested?

#### Reply:

(a) A contract was made between the Supply Board and the United Kingdom Commercial Corporation, Egypt, for the sale of the whole of the 1941/42 exportable surplus of K.2 and/or K.3 maize, estimated at 40,000 tons, exclusive of a maximum of 6,000 tons sold by the Kenya Farmers' Association to the Southern Rhodesian Government.

(b) The price was Sh. 18/50 per quarter of 480 lb. gross weight free on board, Kilindini.

(c) The scheduled rate of shipment was:—

October	.. .. .	2,000 tons
November	.. .. .	3,000 "
December	.. .. .	4,000 "
January	.. .. .	8,000 "
February	.. .. .	8,000 "
March	.. .. .	8,000 "
April	.. .. .	7,000 "

The contract stipulated that the quantities might be reduced at two months' notice in the event of increased military or civil internal demand or other such unforeseen circumstances.

(d) 6,080 tons.

(e) It is expected that a further 300 tons will be exported. It was not possible to fulfil the contract for the following reasons:—

- (1) Very heavy rains fell in Kenya during the last three months of 1941, causing a substantial reduction in yield.
- (2) Local Military demands have increased considerably, due largely to the influx of prisoners of war.
- (3) It has proved necessary to reserve a considerable quantity of maize for use in Zanzibar, which has recently been deprived of its normal rice supplies.
- (4) The heavy rains last year seriously affected the local wheat crop, necessitating the use of large quantities of maize for the purpose of the adulteration of wheat and flour.

(f) Negotiations for this sale were commenced in June, 1941, at a time when both Government and the Kenya Farmers Association were disturbed at the prospects of disposing of the surplus maize in view of shipping difficulties and the lack of overseas demand. It was feared that if advantage was not taken of the enquiry from Egypt, there might be no other outlet.

#### No. 15—MAIZE CONTROL

COL. KIRKWOOD:

- (a) Will Government please state the functions of the Maize Committee and its personnel?
- (b) Is it the intention of Government to appoint a Maize Control Board?
- (c) If the answer is in the affirmative, what are the Board's proposed functions?
- (d) Can Government indicate the proposed personnel?

Reply:

The attention of the hon. member is invited to the Defence (Control of Maize) Regulations, 1942, published on page 203 of the Supplement to the Official Gazette of the 5th of May.

#### No. 16—COST OF LIVING

MR. COOKE:

1. Will Government be pleased to state whether or not an index figure associated with the cost of living is being maintained?

2. If the answer is in the negative, will Government state upon what basis it was able to make a statement regarding the increased costs when replying to Question No. 17 of the First Session, 1941.

3. If the answer is in the affirmative, will Government state:—

(a) What is the latest index number available and up to what date it refers;

(b) What is the source of that number;

(c) What is the system adopted in arriving at it;

(d) Which pre-war period has been used as the base for calculation;

(e) Which races and/or salary groups were included in any examination of statistical data prior to the compilation of the index;

(f) If the index refers only to one race or if the index refers to all races, is any information available or contemplated regarding the increase in the cost of living for each race, European, Asian and African, separately;

(g) In view of the fact that the cost of living indices are published at regular intervals in the United Kingdom and certain of the Dominions and Colonies, and in view of the publication of the methods of compiling such indices by the authorities concerned, will Government undertake to publish details of the method followed in Kenya and at regular intervals the index number;

(h) If the answer to (g) is in the negative, will Government give reasons for its refusal?

[Mr. Cooke]

4. In view of the admitted increase disclosed in the answer to No. 17 of the First Session, 1941, an increase which has presumably grown since that answer was given, is Government considering the grant of a special allowance to offset at least part of the increased cost of living for the lower salaried groups which are least able to support it?

If, as is believed, the answer to the foregoing is in the affirmative, will Government be pleased to state when some decision upon the matter is likely and can Government give some indication of the probable outcome of its consideration?

Reply:

1. Yes.

2. Does not arise in view of the reply to 1.

3. (a) 27.8 per cent at end of April, 1942.

(b) and (c) An explanation of the system adopted in compiling the index figure will shortly be published.

(d) August, 1939.

(e) Europeans and Asians drawing salaries between £200 and £600 per annum.

(f) No information is available regarding the increase in the cost of living for each race separately, but the hon. member's attention is invited to the answer to Question 4 below.

(g) It is proposed to publish index figures at two-monthly intervals. A statement explaining the method followed in Kenya in compiling the figures will shortly be published.

(h) Does not arise.

4. His Excellency the Governor has decided to appoint a committee with the following terms of reference:—

"To inquire into and report whether the essentials of life are beyond the economic capacity of officers of the Government and of the Kenya and Uganda Railways and Harbours, European, Asian and African, in the lower grades."

#### No. 38—ENEMY FARMS SOLD

COL. GHERSIE:

Will Government please state the number of enemy farms sold since the outbreak of war, and furnish the following details: (a) district, (b) acreage, (c) purchase price?

Reply:

Of the farms administered by the Custodian of Enemy Property one has been sold. It is situated in the Wanjohi Valley in Nakuru District, its area is 300 acres, and the price was £720. In addition nine other farms belonging to interned enemy aliens changed hands after public auction held as a result of foreclosure by mortgagees.

#### No. 43—WAR WORK AND MEMBERS

MR. WRIGHT:

1. Was a complete list of all the special war duties and responsibilities shouldered by the individual members referred to given in Government's answer to Question No. 21?

2. Since what date have the moneys mentioned been paid, and since when have the duties referred to in (1) above been carried out?

3. Do any of the members referred to receive any moneys from Government sources other than those mentioned in Government's reply given on 19th August?

4. Are the members referred to entitled to any "hidden emoluments" such as provision for house allowance, leave, passages, etc.?

5. Are the members referred to in any way whatever debarred from attending to the public responsibilities and/or private business activities?

6. Does Government consider the reply given to Question No. 21 is accurate in suggesting that the members referred to are "salaried whole-time Government employees" in the accepted sense of the term?

Reply:

1 and 2. The answer to the first part of the question is in the negative so far as Major Cavendish-Bentinck is concerned. Major Cavendish-Bentinck was

appointed Chairman of the old Settlement and Production Board on 30th September, 1939, but he only received payment from Government in respect of his appointment as Chairman of the Agricultural Production and Settlement Board with effect from the 1st of November, 1941. In addition to the foregoing he was appointed Timber Controller for Kenya and Uganda on 23rd June, 1940, and later, Timber Controller for East Africa on 25th February, 1941; also, since 4th April, 1942, he has been Director of Agricultural Production and Timber on the Civil Defence and Supply Council, and he was appointed Controller of Agricultural and Timber Machinery on 28th July, 1942. In respect of these additional duties he receives no remuneration.

Mr. Isher Dass received payment in respect of his appointment as Deputy Director of Indian Man Power with effect from the 1st of April, 1942, the date of his appointment.

Mr. Montgomery was appointed Deputy Director of Man Power on 3rd February, 1941, and a member of the Information Advisory Committee on the 22nd of May, 1940.

3. Major Cavendish-Bentinck and Mr. Isher Dass are eligible for travelling allowance and motor mileage allowances at the usual Government rates when travelling on business connected with their Government duties.

Mr. Montgomery is in receipt of a pension from Government and also receives a consolidated travelling allowance of £5 a month in his capacity as Deputy Director of Man Power.

Both Major Cavendish-Bentinck and Mr. Montgomery are eligible for the usual allowance drawn by unofficial members of Executive Council.

4 and 5. The answer to the fourth and fifth parts of the question is in the negative.

6. The Government does not consider that the reply to Question No. 21 suggested that the members referred to are "salaried whole-time Government employees" in the accepted sense of the term. It had no intention of making any

such suggestion in its reply, and is glad of the opportunity of making the position clear.

#### NO. 46—IMPORT LICENCES

MR. KASIM:

(a) Is it a fact that import licences which are being issued to the importers are based on previous importation records and are for the requirements of Kenya?

(b) If the reply is in the affirmative, is Government aware that large quantities of imported goods, such as the piece goods and other essential supplies which have been imported into Kenya for local consumption, are being re-exported to the neighbouring territories of Tanganyika, Uganda, Belgian Congo and the occupied enemy territory owing to the fact that merchants from these territories, where strict price control regulations are not in force, can afford to offer better prices, and the local wholesalers, retailers and consumers are consequently experiencing great difficulty in securing their requirements?

(c) Will Government give an assurance that no re-export licences will be issued until the local demands have been met?

Reply:

(a) The Imports Control Office at Nairobi which is a joint Kenya and Uganda Control now issues import licences based on the requirements of Uganda and of Kenya, taking into account—

(i) the normal re-export trade from Kenya to the Moshi-Arusha area and the Lake Province of Tanganyika;

(ii) a portion of the requirements of Somalia which is fixed in advance;

(iii) the normal re-export trade to the Belgian Congo.

When it is necessary to impose restrictions on the quantity of imports of a particular commodity it is the general policy of the Kenya Government in regard to the requirements of Kenya to

base import licences on records of previous importation.

(b) Government is aware that a larger proportion than usual of piece goods and certain other supplies imported into Kenya have been removed recently to other territories within the Customs Union. Government is not aware that goods are being removed into occupied enemy territories or to the Belgian Congo to an extent not allowed for when Kenya import licences are granted. Government is aware that large quantities of goods pass through East Africa in transit to the Belgian Congo which are in no way connected with East African import licences.

(c) The Governments of Kenya, Uganda and Tanganyika Territory have recently taken steps to restrict the inter-territorial movement of piece goods, pending a review of the stock position throughout the three territories, and it has been agreed to restrict such movement of other goods should the need become apparent. In the meantime, licences for the removal of piece goods will be issued only in special circumstances.

#### NO. 48—IMPORT LICENCES

MR. KASIM:

(a) Is it a fact that Kenya, Uganda and Tanganyika Governments are issuing their own import licences to their respective importers in each of the territories?

(b) If the reply is in the affirmative, will Government state the total separate value of general merchandise and other essential supplies re-exported to Uganda, Tanganyika Territory, occupied enemy territories, and the Belgian Congo during the year 1941, and from January to June of the current year?

Reply:

(a) The issue of import licences by the Import Control Office in Kenya has been explained in the answer to Question No. 46. The Tanganyika Government issues its own import licences to importers in Tanganyika Territory.

(b) The values of imported merchandise exported from Kenya to the countries specified were:—

During the year 1941—	£
Uganda .. .. .	1,966,175
Tanganyika Territory .. .. .	775,638
Occupied Enemy Territory, namely S. Somalia .. .. .	78,522
Belgian Congo .. .. .	123,470
From January to June, 1942—	
Uganda .. .. .	672,968
Tanganyika Territory .. .. .	541,869
S. Somalia .. .. .	52,082
Belgian Congo .. .. .	53,248

#### NO. 54—GOLD THEFTS, NYANZA

LADY SIDNEY FARRAR:

Will Government state—

(a) the number of cases of gold theft reported from the Nyanza gold-fields during the past twelve months?

(b) the number of arrests made and convictions obtained in this respect?

(c) the number of arrests made and convictions obtained against receivers of stolen gold?

Reply:

(a) Six incidents involving gold theft were reported.

(b) In each incident, a person was arrested. In the six cases taken, five convictions were obtained; the accused in the sixth case was discharged.

(c) Thirty-six arrests were made and thirty-four convictions obtained.

#### NO. 55—CONSCRIPTED LABOUR

LADY SIDNEY FARRAR:

Will Government give the proportion of native conscripted labour to estimated able-bodied male adults obtained up to date from—

(a) Nyanza Province;

(b) Central Province?

Reply:

As at the 7th of September, the proportion of conscripts to able-bodied males was 3.76 per cent in Nyanza Province, and .32 per cent in Central Province.



## No. 56—MAIZE CONTROL

DR. WILSON:

- (a) In view of the statement by the hon. Acting Chief Secretary in Legislative Council on 21st August during the debate on Maize Control, will Government be pleased to state what decisions have been reached as the result of the subsequent meeting of the Maize Board and consideration of the points raised in the course of the debate?
- (b) Will Government state what funds have accumulated to date as the result of the setting aside of 75 cents for every bag of native-grown maize purchased by the Maize Control, and when and how it is proposed to begin utilizing this fund for the benefit of native agriculture?

—Reply:

(a) The attention of the hon. member is invited to the statement made by His Excellency the Acting Governor on the subject of maize control in the Legislative Council on the 15th of September last.

(b) The sum of Sh. 37,756/50 had accumulated up to the 31st of August on account of the setting aside of 75 cents for every bag of native-grown maize purchased by the Maize Control. The utilization of this sum will be a matter for consideration by the Governor in Council as soon as possible after the decisions mentioned in His Excellency's statement in the Legislative Council have been reached.

## No. 57—IMPORT QUOTAS

MR. KASIM:

- (a) Is it a fact that an import quota of Indian spices and other Indian rations has been fixed between Kenya and Uganda on 60 per cent and 40 per cent basis respectively?
- (b) If the reply is in the affirmative, is Government aware of the fact that traders in up-country towns are not getting their share, according to populations of up-country towns, of the 60 per cent of spices and rations retained in Kenya?
- (c) To ensure equitable distribution of supplies, would Government

arrange to fix quotas for different up-country towns on a population basis?

Reply:

- (a) No, sir.
- (b) In view of the answer to (a), this question does not arise.
- (c) Government is not aware of any necessity for controlling the internal distribution of the foodstuffs in question but if the hon. member can produce evidence of maldistribution, his suggestion that quotas should be fixed for up-country towns will be examined.

## No. 59—SCHOOL MEDICAL INSPECTION

MR. VINCENT:

Will Government re-institute a system of thorough medical inspection at all schools, not only at the beginning and end of terms but also at regular intervals during terms?

Reply:

At the present time medical inspection is carried out at a number of schools by officers of the Medical Department and in some cases by voluntary services of private practitioners.

A School Medical Service was inaugurated in 1929 but was abolished in 1931 during the financial crisis. The question of its re-establishment is at present under consideration.

## No. 60—SCHOOL SUPERVISION

MR. VINCENT:

Will Government ensure there is adequate supervision of the academic and other school activities of all schools, including Government and private schools?

Reply:

The Government is fully alive to the necessity for ensuring adequate supervision for Government and private schools by inspectors of the Education Department and in the case of African education by mission supervisors as well. One inspectorate post held vacant since the outbreak of war has been filled recently and a new post of Supervisor of Female Education has been created. The question of making provision for an additional post in the inspectorate is under consideration in connexion with the 1943 draft Estimates.

## No. 61—UNITED KINGDOM COMMERCIAL CORPORATION

MR. KASIM:

- (a) Would Government please state exactly what are the functions of the United Kingdom Commercial Corporation?
- (b) Is Government aware that there is considerable resentment among the commercial community against the United Kingdom Commercial Corporation interfering in normal trade channels?

(c) Will Government give an assurance that the United Kingdom Commercial Corporation will not resell for profit produce in the purchase of which they have received preferential treatment?

(d) Is Government aware that the United Kingdom Commercial Corporation is acquiring monopolies in certain articles to the detriment of long-established commercial channels, and will Government give an assurance that such monopolies will not be granted without prior consultation with the interests concerned?

Reply:

(a) The United Kingdom Commercial Corporation, the capital of which is provided by H.M. Treasury, works solely for Government purposes. Its effects, on behalf of H.M. Ministries and other Governments, the bulk purchase of key commodities with the object of ensuring the supply of essential requirements to consuming countries and of preventing speculation and profiteering in such goods.

(b) No, sir.

(c) No, sir. The United Kingdom Commercial Corporation is not debarred under its charter from making a profit on its transactions which are normally conducted on a commercial basis. Its sales may, however, be made at a loss if, by doing so, it can further the war effort. Any profits which are made revert to H.M. Treasury and assist in the prosecution of the war.

(d) No, sir. So far as practicable, the United Kingdom Commercial Corporation conducts its business through trade channels and, under its conditions of purchase, relieves exporters of all danger of loss from shipping delays, payment failures and other risks arising from war-time conditions. It must, however, be realized that in time of war free marketing is bound to be interrupted and that the operations of the United Kingdom Commercial Corporation are necessary for the proper distribution of essential goods in short supply.

## No. 63—UNITED KINGDOM COMMERCIAL CORPORATION

MR. PAROJ:

Is Government aware that several Indian exporters in Kenya have lost to an extent of about £500 due to Government forcing these exporters to hand over their copra, groundnuts and other produce to the United Kingdom Commercial Corporation, Ltd., at fixed prices which are below their costs?

Reply:

The answer is in the negative.

The Government is, however, aware that certain quantities of copra, groundnuts and other produce intended for export remained in the hands of traders on account of non-availability of shipping space due to the decision of the Middle East authorities to prohibit the private importation of the types of produce concerned. In consequence, charges in respect of storage, insurance and interest on capital accrued over a number of months and deterioration in the produce occurred. The United Kingdom Commercial Corporation offered to purchase this produce at the current prices, as agreed by the Secretary of State for the Colonies, and the owners sold voluntarily at those prices. Any losses suffered by the owners of the frustrated shipments are attributable to factors which were in existence before the relevant operations of the United Kingdom Commercial Corporation started, and, in fact, the purchase of the produce concerned by the United Kingdom Commercial Corporation had the effect of bringing such losses to an end.

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SECOND SERIES

VOLUME XIV

First Session: 14th April to 18th September

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