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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SECOND SERIES

VOLUME XV

1942

Second Session: 10th November to 17th December

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List of Members of the Legislative Council

President:

HIS EXCELLENCY THE GOVERNOR, SIR HENRY MOORE, K.C.M.G.

Ex Officio Members:

CHIEF SECRETARY (HON. G. M. RENNIE, C.M.G., M.C.)
ATTORNEY GENERAL (HON. W. HARRAGIN, C.M.G., K.C.)
FINANCIAL SECRETARY (HON. L. TESTER, C.M.G., M.C.)
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.)
GENERAL MANAGER, K.U.R. & H. (HON. R. E. ROBINS, C.M.G., O.B.E.)
DIRECTOR OF PUBLIC WORKS (HON. J. C. STONACH, 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. LARD (Prov. Commissioner, Rift Valley)
HON. T. A. BROWN (Solicitor General)
HON. R. DAUBNEY, C.M.G., O.B.E. (Director of Veterinary Services)
HON. G. B. HERDEN, C.M.G. (Postmaster General)
HON. R. PIDRAZA (Commissioner of Mines)

European Elected Members:

MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., Nairobi North.
HON. S. V. COOKE, Coast.
HON. F. J. COULDREY, Nyanza. (1)
HON. W. A. C. BOUWER (Acting), Uasin Gishu. (2)
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.
HON. MRS. O. F. WATKINS, Kiambu.
HON. E. H. WRIGHT, Aberdare.

Indian Elected Members:

HON. SHAMSUD-DEEN (Central). (3)
One vacancy (Central). (4)
HON. A. B. PATEL (Eastern).
HON. K. R. PAROO (Eastern).
HON. R. KASIM (Western).

Arab Elected Member:

HON. SHERIFF ABDOULLA SALIM.

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.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.

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

Clerk to Legislative Council:
MR. R. P. ARMITAGE (Acting).

Reporter:
MR. A. H. EDWARDS.

- (1) Vice Lady Sidney Farrar, M.B.E., resigned (by-election, 25th November, 1942).
- (2) Vice Lt.-Col. S. G. Giersie, absent from Colony.
- (3) Mr. Saleh Mahomed Ladha, acting from 8th December, vice Hon. Shamsud-Deen, absent from Colony.
- (4) Died 6th November, 1942.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

- 10th November—
Hon. S. O. V. Hodge, C.M.G.
Hon. Arab Elected Member.
- 11th November—
Hon. S. O. V. Hodge, C.M.G.
Hon. R. Daubney, C.M.G., O.B.E.
Hon. Member for Uasin Gishu.
Hon. Arab Elected Member.
- 17th November—
Hon. Member for Uasin Gishu.
- 18th November—
Hon. Member for Nairobi North.
Hon. Member for Uasin Gishu.
- 19th November—
Hon. Member for Nairobi North.
Hon. Member for Uasin Gishu.
- 20th November—
Hon. Member for Uasin Gishu.
- 8th December—
Hon. General Manager, K.U.R. & H.
Hon. Director of Public Works.
Hon. Member for Nairobi North.
- 9th December—
Hon. General Manager, K.U.R. & H.
Hon. Member for Nairobi North.
- 14th December—
Hon. Director of Education.
Hon. S. H. Fazan, C.B.E.
Hon. C. Tomkinson.
Hon. Member for Nairobi North.
Hon. Member for Eastern Area (Mr. A. B. Patel).
Hon. Arab Nominated Member.
- 15th December—
Hon. Member for Eastern Area (Mr. A. B. Patel).
Hon. Nominated Arab Member.
- 16th December—
Hon. Member for Nyanza.
- 17th December—
Hon. S. O. V. Hodge, C.M.G.
Hon. Member for Nyanza.
Hon. Member for Eastern Area (Mr. A. B. Patel).
Hon. Nominated Arab Member.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

SECOND SESSION, 1942

Tuesday, 10th November, 1942

Council assembled at the Memorial Hall, Nairobi, at 11 a.m. on Tuesday, 10th November, 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.

PRESENTATION OF INSIGNIA

By Command of His Majesty the King, His Excellency presented British Empire Medals to—

Mr. P. Kapoor, and

Mr. M. J. Patel.

COMMUNICATION FROM THE CHAIR

His Excellency delivered the following communication from the Chair:—

Honourable Members of Legislative Council:

I am sure you will all wish me to open this address by associating all honourable members of this Council with the terms of the message of congratulation sent by the Prime Minister to Lieutenant-General Sir William Platt and all ranks under his command and to the naval units concerned on the successful conclusion of the campaign in Madagascar. (Applause.) That our East African troops have played no unworthy part in these operations is a source of particular pride to us all.

This achievement, followed as it has been so closely by the splendid news of the victorious advance of the Eighth Army in Libya and the landing of American troops along the western and northern coasts of Africa (applause), is practical proof of the growing strength of the United Nations and of the weight of the offensive which is being built up against the day when the general offensive is sounded.

Next I should like to refer briefly to my visit to London. It was made, as you know, at the instigation of Lord Cranborne, the Secretary of State for the Colonies, who wished by personal conversations to obtain a fuller picture of conditions and problems out here. He was kind enough to say at their conclusion that he had found them of the greatest value. They certainly were to me, and I have no doubt they will prove fruitful in dealing with the many urgent problems that beset us at the moment.

My discussions with the Secretary of State and his advisers ranged over a wide field, and I venture to hope that in the course of them I was able to give him a clearer insight into our local problems and what we were striving to do for the successful prosecution of the war. I received a most patient and sympathetic hearing from everyone, and I was left in no sort of doubt as to their genuine interest in the fuller development of these territories and their desire to assist us in the formulation of policy in the difficult post-war period that lies ahead.

[H.E. the Governor]

I found them as alive as we are to the fact that as a result of the war many of our problems of production and supply can only be tackled satisfactorily on an inter-territorial basis, and no doubt for that reason the Secretary of State was particularly interested in the origin and development of the East African Civil Defence and Supply Council. I cannot to-day make any detailed announcement on the subject, since I have called a Governors' Conference, which the Governors of Tanganyika and Uganda and the British Resident of Zanzibar will attend, at the end of this week, to give further consideration to the question, but as a result of the instructions I have received from the Secretary of State the object of our deliberations will be to see what steps can be taken to make it a more effective instrument in the direction and carrying out of an inter-territorial policy in the fields of production and supply. This will no doubt involve some modification of its present composition, and both the form which it should ultimately take and the powers which it should exercise will be among the important questions on which we are being called upon to deliberate.

Another question which I discussed with the Secretary of State was the policy to be pursued at the present time in the establishment of secondary industries. He informed me at the time—and I have now received an official communication to that effect—that he is anxious that it should be fully understood that any limitations which it may be necessary under present conditions to place on the establishment of secondary industries are due to supply difficulties, and to those difficulties alone. In East Africa, as elsewhere throughout the Empire, the only consideration which ought to be applied in wartime to any proposal for the establishment of a new industry is whether or not it is to the advantage of the war effort. In practice proposals can therefore be divided into two classes: (a) those which can be initiated and brought to fruition with local resources and materials, equipment and labour; and (b) those for which the importation of equipment or supplies or skilled labour will be necessary.

With regard to the former class the Governments concerned are free to embark upon them without any specific reference to the Secretary of State, but if they want information or advice on any point he will do his best to give it. The Secretary of State would like, however, to be kept informed of the initiation and progress of such enterprises so that he may be able to maintain as complete a picture as possible of the industrial situation in East Africa. With regard to the second class, the strict and detailed control now applied to all manufacture in the United Kingdom and in the United States makes it necessary that any proposal involving the provision of machinery or skilled workers shall be justified in full detail to the authorities in the United Kingdom with whom rests the duty of allocating raw materials and man power and authorizing manufacturers to carry out orders. It is therefore essential, if serious delay at later stages is to be avoided, that such proposals should be referred to him at an early stage so that these inquiries may be put in hand. Honourable members are already aware of the progress that has been made by Lieutenant-Colonel Pelling and his East African Industrial Research and Development Board in the establishment of local industries for war purposes with local plant and materials, and I think this clear statement of policy by the Secretary of State should be of much assistance to them and the Governments concerned.

In the course of our conversations I found both the Secretary of State and his departmental officers fully appreciative of the Colony's war effort, of the difficulties we had had to face in meeting the competing claims of the armed forces and of local production for our limited man power, and of the various emergency powers and measures which we had had to adopt. They fully realized the heavy strain put upon our local resources by the presence here of such large numbers of prisoners of war and refugees in addition to increased Service establishments. For that reason, and the ever pressing necessity of economizing in shipping, the role that East Africa can play as a producing area is very much

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in their minds in London. For my part I left the Secretary of State in no doubt as to the importance which we in Kenya attached to the release of the necessary personnel from the Army if our production was to be maintained, still more increased. I know that the General Officer Commanding-in-Chief is also fully alive to this question, and I should like to take this opportunity of thanking him for the assistance he has given us, particularly in the last few months, in releasing men for production.

It has in these circumstances caused me all the more anxiety to find on my return that not only is the immediate foodstuff position one of serious difficulty, but also that some at any rate of our anticipated export surpluses in the coming year are no longer likely to be available. I appreciate that the causes for this are partly seasonal and climatic and to a large extent caused by the reception in East Africa of large numbers of refugees and prisoners of war as well as greatly increased demands from the Forces for the local consumption of locally produced commodities. On the other hand it is somewhat disappointing to learn that, in spite of the increased acreages under maize on European farms as shown by the Agricultural Production and Settlement Board returns, the amount of maize which will be available for consumption by the general civilian population, the Forces and for possible export from European farms it is estimated by the Kenya Farmers Association to be little in excess of the amount made available for those purposes from last season's crop.

I should like to interpolate here, a word on the question of wartime controls generally and of price control in particular. It should be obvious to everyone—but none the less it is at times necessary to stress the obvious—that these controls have only been set up by Government because they have been found necessary for our war effort. In the case of imported goods they have been found necessary either because those goods are in short supply in the country of origin, or because in the interests of the war effort we wish deliberately to curtail their consumption

to save shipping space. In the case of locally produced commodities control has similarly been found necessary either because with our greatly increased local demands such commodities are in short supply or because we want to eliminate waste and regulate internal consumption, so that we may have a surplus to export to areas whose needs are more urgent than our own. That being so, it is obvious that our object cannot be achieved without some dislocation of existing channels of trade and some inconvenience or even hardship to individual traders and consumers. If such were not the result, it is quite certain the control would be proving ineffective. In the United Kingdom one of the things that strikes you most is the patient and disciplined manner in which the average Englishman is submitting to all sorts of Government restrictions and interference in matters closely affecting his daily life which in normal times he would not tolerate. As an Englishman he still exercises the Englishman's privilege of voicing his private grouses: he grumbles but he complies. Here in this Colony we have by comparison had very little disturbance in our normal manner of life. If we are now beginning to feel the pinch in certain directions I don't grudge you your private grouses, but I do expect you to play your part in the operation of these controls. We all condemn the black market racketeer, but it is sometimes forgotten that he cannot operate without the open or covert connivance of the consumer. Private hoarding or deliberate holding up of supplies must also operate to the detriment of the controls, and I would appeal to the public to give all the assistance they can to the different controllers in their difficult task.

Another matter which is causing me and, I am sure it must be you, much concern, is the present uneasy state of the labour market. Rising costs of living are an inevitable concomitant of war, and it has been one of the main preoccupations of Government during the last few months to see how the necessary relief could best be given without giving an unavoidable impetus to inflationary tendencies. It is therefore, particularly unfortunate that the tem-

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porary shortage of foodstuffs to which I have just referred should have come upon us at the present time, necessitating in certain cases the adoption of special measures in advance of such action as the Government had in contemplation as a result of the two special Committees that have been appointed to consider the problem. Our thanks are due to the special Tribunal appointed under the Defence Regulations for the promptitude with which they have dealt with the disputes referred to them. It is obvious that whatever additional payments in cash may be warranted to meet increased prices, the obtaining of adequate food, clothing and housing by the lower paid employee presents special difficulties under present conditions, when particularly in towns such as Nairobi and Mombasa, we are faced with a serious shortage of supplies as well as of housing accommodation.

So far as housing is concerned honourable members may remember that in my first Address to this Council on assuming the Governorship of this Colony, I drew your attention to the urgency of providing better native housing in Mombasa and Nairobi, and had it not been for the war it had been my earnest hope to see the problem tackled on broad and comprehensive lines. I gratefully acknowledge the interest that unofficial bodies and the Municipalities concerned have taken and are taking in this question, and honourable Members will recall that the Government made a start, though admittedly in a small way, by voting money for the building of accommodation for Government employees both in Nairobi and Mombasa. Of the £20,000 voted for Nairobi and the £10,000 for Mombasa, very little has been expended up to date owing to the practical difficulties of obtaining men and material. The same applies to the Nairobi Municipal Council's scheme. Recent developments both in Mombasa and Nairobi have served to impress upon us the urgency of moving much faster in this matter, and I am glad to say that at the last meeting of the Building Control Committee, authority has been given to proceed immediately with fifty houses under the Municipal Scheme

and fifty houses under the Government Scheme, and also for the erection of two type houses in Mombasa under the Government scheme there. But such measures are only tinkering at the problem and I am anxious, despite the war, to deal with the situation on broader lines if it is practicable to do so. I am confident that the Government will have the support of all the honourable Members of this Council in any action that we can take in this direction.

It is impossible for me in the time at my disposal to deal with the activities of all the different departments during the past year, and I therefore propose largely to confine myself to those three services which at all times but particularly under war conditions play so vital a part in the life of all communities. I refer to Agriculture, Education and Public Health.

I cannot be too emphatic in stating that agricultural production with the related problems of manpower, labour, machinery, fertilizers, transport and storage, remains in the forefront of the Colony's war effort and, in fact, assumes ever increasing importance as growing demands continue to be made upon us, in view of a very comprehensive report recently made by the Director of Production (Chairman of the Agricultural Production and Settlement Board) it is unnecessary for me to go into detail to many of the measures which have been taken with a view to stimulating agricultural production, but I would confine my remarks to salient features of the assistance which has been afforded by Government and of the results which have been achieved.

The Defence (Increased Production of Crops) Regulations, replaced in May by the Increased Production of Crops Ordinance, gives far reaching powers as you know to the Agricultural Production and Settlement Board to take over land which is not being utilized and to require any non-native farmer to undertake a programme of increased agricultural production. At the same time, safeguards and assistance are afforded to the farmer by the provision of guaranteed minimum returns, guaranteed prices, grants for breaking new land

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and cash advances where necessary against the minimum guaranteed return. According to the most recent figures available, the following acreages had been planted under the terms of this Ordinance: 131,268 acres of wheat, 85,930 acres of maize, 3,362 acres of ryegrass and 16,418 acres of flax, involving a total contingent liability, in respect of guaranteed minimum returns per acre, of £462,000. Grants for breaking new land amounted to £27,750, while advances made to farmers (to the end of September) totalled £43,135, of which some £26,000 had been disbursed and the remainder will continue to be paid out during the next six months.

More recently oats, rice and rubber have been added to the crops which come under the provisions of the Ordinance, and it is probable that pyrethrum and vegetable seeds will also be added, both of which have recently become in urgent demand for war purposes.

In the case of pyrethrum, production has recently shown a decline and proposals are now under consideration for the stimulation of production of this crop to the required tonnage. Owing to the difficulty of obtaining supplies of vegetable seeds from overseas, it has become necessary to make arrangements for the production locally of the seeds required, and it is hoped to do this partly on stations under the control of the Department of Agriculture and partly by agreement with selected growers. Owing to the activities of the dried vegetable factory and the extensive production of fresh vegetables in Kiambu and elsewhere for internal civil, naval and military consumption, a very considerable quantity of vegetable seeds are required annually, and the maintenance of the seed supply required must be assured.

With regard to rubber, while Kenya cannot produce any appreciable quantity in relation to the total of overseas requirements, it is vital that every ton that can be produced here should be made available as soon as is possible. When the demand became apparent in January, arrangements were made for the maximum utilization of wild rubber at the

Coast, and production is steadily increasing. Steps were taken also to bring back into production abandoned Ceara plantations, while the possibilities of exploiting of wild rubber in areas of the Colony other than the Coast are under active investigation. As a result of experiments which have been made, a very marked improvement has been effected in the standard of the quality of the rubber produced.

The coffee crop this year will be a small one and is not expected to exceed 8,000 tons. Prospects for the disposal of the crop are favourable. Coffee of all grades has realised good prices at recent local sales. The Ministry of Food has requested that a substantial proportion of the current season's crop be earmarked for shipment to the United Kingdom; the prices at which this purchase will be made are still under negotiation. It is encouraging to note the increasing part played by coffee planters in the general war effort by the production of other essential crops either in or adjacent to their coffee.

The Agricultural, Production and Settlement Board gave early attention to the question of ensuring adequate supplies of agricultural tractors and machinery. On the advice of the Board, Government has placed on the United States of America two bulk indents in respect of which I am glad to say that a Lease Lend requisition has been passed by the United States authorities. Nevertheless, none of this machinery has yet arrived, and as in the case in many other countries, I fear that our production drive is to some extent held up by lack of machinery and equipment, and that the repercussions of these shortages are being felt by most farmers. But agricultural machinery has been put under controlled distribution, the Director of Production having been appointed Controller. Thus, as implements arrive in the country, it is possible to place them, without delay, where they are most urgently needed. A Government Machinery Pool has been established and is at present working. Further, in order to keep all old implements running as efficiently as possible, three Central Workshops have recently been established under the auspices of the Production Board.

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The need for the provision of adequate additional storage for agricultural produce is also a problem to which Government is giving active consideration. An order has been placed to duplicate the conditioning plant at Kilindini. It has been necessary also to make arrangements for further additions to the cool stores at the coast in consequence of the heavy demands now being made on this type of storage.

On the Native side, assisted by good weather conditions prospects are favourable for a considerable increase in the production of maize and other grains, beans, rice, and fresh vegetables. Minimum prices to producers have, in each case, been guaranteed.

A special aspect of our agricultural production which I should like to refer to again is the production of dried vegetables—carrots, potatoes, cabbage, beans and sweet peppers—which we are sending to forces operating in the Middle East. The factory at Kerugoya, after overcoming considerable technical and administrative difficulties, is now working satisfactorily, and has maintained an output during the past four months of some 70 tons of dried vegetables per month. The work on the construction of a second factory at Karatina—with a potential output of 100 tons of dried material per month—is proceeding. Here the uncertain factor is the date of delivery of essential machinery from overseas, but it is hoped to commence the operation of this second factory early in the New Year.

I realize the necessity of obtaining the maximum increase in production naturally gives rise to many associated problems. Of these the most difficult is that of labour. Numerous and heavy calls have been made on the available labour supply of the Colony for military service and for military labour. Production in native areas has to be stimulated to the utmost while, at the same time, an adequate labour supply must be available to non-native producers if the production drive is to be successful. As time goes on other crops—such as pyrethrum—may be added to the list of those

of importance in Kenya's war production programme. The problem therefore of striking a fair balance between these varied and numerous demands for labour is fraught with great difficulties, and on its successful solution depends, to a large degree, whether or not this Colony will be able to achieve its maximum contribution to the duty with which it has been entrusted.

In connexion with the work of increased production, perhaps more especially in the non-native areas, much credit is due to the officers of the Agricultural Production and Settlement Board and to those gentlemen who have voluntarily and willingly given so much of their time to work on district sub-committees of the Board; their duties are many and their responsibilities are great.

The position with regard to the possibilities of a locust invasion by the Desert Locust has of recent months been a matter which has given rise to anxiety. Outbreaks of the swarming phase of this locust occurred in the latter half of 1941 in parts of Northern Africa, Arabia, the Sudan and Eritrea, and it is from these areas that invasion into this Colony can normally be expected. It is satisfactory to record that under the general control of the United Kingdom authorities, the necessary anti-locust organizations have been formed in all territories concerned, the main co-ordinating centres being at Cairo, Jerusalem, Khartoum and Nairobi, and it is to be hoped that the measures now being taken in the countries affected will prevent an extension of the outbreak into this Colony.

Co-ordination of agricultural production in the East African territories including Zanzibar and Occupied Territory Administration, in relation both to internal needs and the requirements of the Middle East, has been placed on a more satisfactory footing by the establishment of an East African Production Committee, under the Chairmanship of the Economic Adviser to the Governors Conference, on which all those territories are represented.

Demands on the country's out-turn of pig and dairy products and live stock are

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growing continuously. Our output of pig products and dairy produce has been considerably increased, but still does not meet all the demands made. The Live Stock Control has already supplied more than 13,000 working oxen to farmers in connexion with the increased production programme, and although great difficulties have at times arisen in connexion with the movement of these cattle it can be stated that on the whole these transactions, involving extensive movements of live stock, have been carried out without occasioning any serious deterioration in the stock-disease position of the Colony. Considerable progress has been made during the year in the compulsory immunization of native-owned live stock against rinderpest, and since March roughly one million cattle have already been immunized. This mass immunization cannot fail greatly to reduce one of the main sources of wastage of our present and future supplies of slaughter stock.

The (settle) position has given rise to a good deal of anxiety on the part of farmers, and I am happy to say that at last we have been able to obtain staff for the survey units, and that one of the units has already begun work.

It was singularly unfortunate that at a time when every pound of butterfat was needed, we should have experienced an acute shortage of concentrated cattle foods, particularly in the form of feeding cakes, but as a result of arrangements now made I trust that a reasonably wide range of foodstuffs will shortly be available to farmers in adequate quantities. A Committee has recently been sitting under the Chairmanship of the Director of Veterinary Services to advise farmers on the subject of feeding stock, and the findings of this Committee will be published in the form of a bulletin.

Timber is another "first priority" demand for military purposes. Kenya has more than doubled its 1940 output, and provided the further supplies of equipment which are on order materialize, it is hoped that timber production will be still further stimulated during the coming year.

Amongst the many plans for social development in Great Britain in the

post-war period, few are receiving closer attention than those which relate to Education. During the present year Advisory Councils on Education in Kenya have also been examining plans for development. It cannot be pretended that these are complete in detail nor are they immutable. New needs must be met as they arise but, as long as the framework is comprehensive, they will not necessitate changes in the underlying policies.

In European education we are faced with a very rapid growth in the number of children for whom facilities must be provided. We have agreed to admit children from other East African territories, and the number is swelled by immigration from the Sudan, the Middle East and even the Far East. Enrolment in Government schools has risen from 1,200 in January, 1941, to 1,550 at the present date, an increase of nearly twenty per cent, and we must anticipate further increases in 1943. It will be realized that great efforts were necessary to provide accommodation and qualified staff for increases of this kind. Compulsory education was introduced at the beginning of the year. It did not in itself lead to any great increase in enrolment, but I am sure that Honourable Members will be glad to learn that most detailed enquiries indicate that ninety-nine per cent of children of compulsory school age are now in schools or being educated efficiently through correspondence courses or other means. In not a single case has it been necessary to take legal action to ensure attendance at school.

Our second main problem is not new, but it has been receiving increasing attention. We need a greater variety of schools and of curricula if we are to meet the widely varying needs and abilities of our children. The Egerton School of Agriculture was the first step; the second; which we are now taking, is the provision of Post-Matriculation Classes at the Prince of Wales and the Kenya High Schools, in which the older pupils find encouragement and scope to follow wider vocational and cultural studies. The response of parents and pupils to these new facilities is most encouraging. Few of our young men

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can proceed to a University now owing to compulsory military service. Honourable members will remember that proposals have already been formulated to ensure that after the war those that are qualified for University education shall obtain it. In the meantime an increasing number of young women are proceeding to South Africa with Government assistance for training in the professions and in business.

In Indian education too we have planned development. We are continuing to provide, as circumstances permit, better buildings and to widen the scope of the curriculum. Much remains to be done, particularly in the field of Physical Culture for boys and girls, and for Domestic Science for girls. For University education the great majority of students must look to India and each year the Overseas Bursary vote increases.

The war has certainly brought to the front the manual and intellectual ability of the African and his willingness to place these at the service of the Crown. The response to the call of the armed forces by educated, semi-educated and uneducated Africans has been magnificent. But the demands of the military for educated Africans of every description—artisans, clerks, etc.—has shown how small comparatively is the minority which has so far been educated. Our development plans are on a broad basis, they demand a wider spread of elementary education for the foundation of the whole structure and in particular call for a great extension of teacher training facilities. Much progress has been made recently in Government primary schools, in providing practical instruction under trained supervision in agriculture and animal husbandry. It is satisfactory too, to note that Kenya students can more than hold their own at Makerere, and that when they have been trained there, they are proving of great value in social and developmental services.

Arab education has been and is suffering I am afraid more from the war than the education of other races, and it is entirely confined to the coastal area. Despite wide-reaching enquiries, we

have not yet found it possible to obtain European teachers with a knowledge of Arabs or to recruit Arab teachers from outside the Colony. The Zanzibar Government have generously offered to admit Kenya Arab students to their teacher training schools and it is hoped that we shall be able to take advantage of this offer in the near future. An Inspector will be posted to the Coast early in the New Year, and one of his main duties will be to foster the education of Arab and of African Mohamedans in that Province.

Turning to the question of Public Health, I am glad to say that the record of the year 1941 and of the current year has, so far been satisfactory. For example, the Colony has remained free of smallpox during the period and though large numbers of prisoners of war and refugees have been brought into the country, the infection of typhus, which has been prevalent in Abyssinia and epidemic in North Africa, has not on any occasion been introduced. On the other hand the incidence of plague, which is endemic in Kenya, was high in Nairobi during 1941, but it has now subsided. That plague should occur at all in these days in the capital town of the Colony is highly unsatisfactory and is I am afraid a serious reflection on the sanitary conditions which prevail. The Municipal Council, I know, has given much attention to the matter and has done much to improve its sanitary services, but without a radical reform of housing conditions in many parts of the town plague will almost certainly recur here, sooner or later. Of this aspect of the question the Council has not been forgetful, and, as I have said earlier in this address, they are to be congratulated on what they have recently done with regard to the provision of African housing, but it is a major reform which is required and large financial provision will be necessary. The overcrowding in our towns is now more serious than ever, the cost of living has risen, food is more difficult to come by, and malnutrition is certainly no less than before. Again, the recruitment of large numbers of Africans for military service has, I am afraid without any doubt, resulted in

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some increase in the incidence of venereal disease and many serious problems arise in this regard. In the interests, therefore, not only of the prevention of diseases such as plague and tuberculosis, but with a view to ensuring that developments connected with the war, developments in commerce and in industry and in production, lead not to a deterioration of social conditions but to their improvement, I feel the housing problem in our towns must be dealt with, and despite the dearth of men and materials we must see what we can do to get on with it now.

I will deal only with three other matters connected with the public health.

The first concerns the provision and cost of non-native hospital and maternity services to the general public. It is no new question, and its importance is fully realized. With rising costs of living its incidence on the individual patient has obvious repercussions. I propose shortly to appoint a Committee to go into the whole question.

The second has relation to African manpower. The demands made on the African manpower of Kenya, have been and are still, very great. But there are limits to the numbers available, and now, if greater production is to be maintained, we must give increasing attention to the improvement of the power of the individual. To get more work out of the individual we must see to the maintenance of the health of the fit and the rehabilitation of the unfit. The maintenance in health of the fit is, in part at least, a question of rations, and I believe the importance of which is being increasingly recognised. The rehabilitation of the unfit is partly, though not wholly, a matter of the provision of more hospital beds, of more dispensaries and of more medical staff, both in the settled areas and in the native reserves. During 1941, and in spite of war conditions, about 400 additional beds for Africans were provided throughout the Colony and new African dispensaries were provided or arranged for at three centres in the settled areas—namely, at Thomson's Falls, Naivasha and Nanyuki. Since then proposals have been received from European farmers in other

areas, and I should like to say that Government welcomes these proposals and will be glad to co-operate with District Councils in the establishment of dispensaries or cottage hospitals for Africans so far as staff and funds allow. In the native reserves there has been, since the outbreak of war, a considerable shortage of medical officers, as it was necessary to release a number for military service with African troops. To-day the need for production in these and other areas of the Colony is so great that rehabilitation has become a most pressing matter in relation to the war effort and proposals with regard to the recruitment of additional medical staff will be placed before you.

The last medical matter to which I would refer is yellow fever. Honourable members will remember that towards the end of 1940 there occurred in a neighbouring territory, namely the Sudan, an epidemic of yellow fever which involved between 20,000 and 30,000 cases. For many reasons, and not least because we were at war, it was a matter of the highest importance that the infection should not be allowed to spread to the east coast of Africa and so perhaps to the Middle East, to India, and the rest of Asia. Since Kenya geographically on the lines of communication holds a key position, in 1941 this Council accordingly approved the expenditure of some £13,000 on preventive measures and for the current year a further sum of over £12,000. In the expenditure of these funds two lines of action were taken, the first to reduce to some irreducible minimum the incidence of the yellow fever mosquito (*Aedes aegypti*) in all the towns and trading centres along the line of communications from Uganda to the coast and especially in the port town of Mombasa; and the second to obviate completely the possibility of the occurrence of an epidemic in the highly vulnerable rural coastal area stretching over the 300 miles between the Tanganyika border and Somalia. In this coastal area it was, and perhaps still is, beyond human power to eliminate the yellow fever mosquito, but it was suggested that we might immunize the people by protective inoculation. A campaign was accordingly commenced in April 1941,

[H.E. the Governor] and by the end of May of this year, or just over a year later, some 320,000 persons, which is something over ninety per cent. of the population of the coast of Kenya, had been immunized against a disease of which they had never previously heard. That this was done without compulsion is I consider a great tribute to the tactful manner in which the medical officers and of the administration dealt with the matter. During the same time the mosquito population of Mombasa was reduced to negligible numbers. As a result of the fact that the other East African Governments, the Government of the Union of South Africa and the Government of India were aware of the preventive measures which had been taken, no quarantine was imposed against us and I am satisfied that this Government has reaped full benefit from the funds which the Council has invested in insuring against the spread of yellow fever towards the coast. Indeed, it has done much more, for it has set an example to all the East. From the recent record of an important yellow fever committee appointed by the Government of India:

"Dr. Mahabty gave details of the mosquito-control measures now in force in Mombasa which have proved so successful. These anti-mosquito measures in Mombasa (as well as the mass inoculation of the Kenya population within ten miles of the sea coast) are designed, not alone to protect these areas from being infected with yellow fever, but equally to ensure that the disease is not exported to India. Such action on the part of another Government to protect India from the disease calls for a corresponding endeavour on the part of the Indian authorities concerned to keep our ports and towns free from the infecting mosquito."

I think, therefore, that Council may congratulate itself that in voting this money for the prevention of yellow fever it has performed not merely a public, but an international service.

I have referred at length to questions of agricultural production, education and public health, and if I refer much more briefly to the work of other De-

partments it is for reasons of space and not because the hard work they have put in under difficult conditions during the past year is not full worthy of mention.

To refer for a moment to communications in its broadest aspect. The strain on the Railway Administration continued to be severe. The volume of traffic carried to the end of August at the military flat rate amounted to 402,000 tons; in addition many thousands of tons of timber, sleepers, maize and other traffic were hauled for the military authorities at public rates lower than the special rate applied to military traffic and were not therefore specifically recorded as military traffic. The Administration had also to deal by special arrangement during the same period with the transport of 190,000 military personnel, prisoners of war and refugees, an average movement of 23,700 personnel per month. The thousands of military passengers who used the ordinary train services are not included in these figures.

The Harbours organization, too, has been concerned in the handling of a large volume of Services traffic, a total of 368,402 harbour tons having been dealt with at the Port of Mombasa during that period.

In road construction progress has not been as rapid as anticipated owing to various difficulties that arose in respect of the employment of prisoners of war, but most of these are now being overcome, road-making plant has been obtained, and the rate of progress has improved. On the Great North Road from Athi River to Namanga work has gone forward well, and the Public Works Department have now undertaken, through the agency of prisoners of war to carry on the work on the section from Namanga to Longido on behalf of the Tanganyika Government. During the year it became apparent that many of the roads in the producing areas were not able to stand up to the increased demands made upon them by the agricultural production drive. To meet this urgent need the Government has made grants amounting to over £14,000, of which nearly £10,000 went to District Councils.

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The calls on the Posts and Telegraphs Department have continued as heavy as before. Further, the airgraph letter service to the United Kingdom was introduced in March 1942 and up to the 30th September over half a million airgraph letters had been despatched from East Africa. The inward airgraph service from the United Kingdom, which began in September 1942, is also proving increasingly popular.

In the case of all three services I should like to acknowledge my appreciation of the hard work put in by all the officers concerned.

Finally, I wish to refer to the work of the Provincial Administration during the past year. The organization of military recruitment, the demands made upon them for civil labour, which culminated in the introduction of conscription of African labour for essential services, and the steps which the central Government has taken for the control both of certain essential foodstuffs and of prices generally, has thrown upon them all a very heavy burden in addition to their normal administrative work. I am not sure how far it is fully realized by the general public the amount of work which the wartime legislation and regulations of every kind have imposed upon the District Officer in the field, nor how far the successful operation of those regulations is dependent upon his energy and initiative. Though the work has enormously increased it has been impossible to increase the staff correspondingly, and many officers have already done long spells of service without leave and are feeling the strain. I know that this applies to other Departments as well as to the Administration, but throughout the Colony and Protectorate officers of the Provincial Administration—and I should like to include with them officers of the Agricultural Department—have had special calls made upon them and I should like to express on my behalf, and I am sure on yours, our appreciation of their services.

Turning now to the financial position, honourable members will have seen from the Financial Report for the year 1941 that the surplus for the year amounted to over £800,000 which was

very much more than had been expected. In addition it will be remembered that we decided to create a reserve fund by lending £500,000 to His Majesty's Government free of interest for the duration of the war. This was charged to expenditure, so that the real surplus for the year amounted to something over one and a quarter million pounds. This satisfactory result arose very largely from the increased yield of Customs and Excise duties, which amounted to £800,000 more than the estimate and was a record for all time. It is not likely to be repeated for some time to come because of the great curtailment in imports of dutiable goods resulting from the scarcity of shipping. It will be appreciated that many of the more bulky essential imports, such as agricultural machinery and motor lorries, are not subject to customs duty. This decline in the volume of dutiable goods is now being reflected in our customs revenue for 1942. Collection of duty was well maintained for the first six months of the year but since then there has been a marked decline. We expect that the estimate for the year will be just about realized with little if any margin to spare, but we have considered it prudent drastically to reduce the estimate for 1943.

As regards the general position, the revised estimates for 1942 indicate that a surplus of the order of £300,000 will be realized. This can be attributed to two main factors. In the first place, revenue is likely to be well above the original estimate, due largely to an increase of £200,000 in the estimated yield from income tax. Expenditure will also exceed the estimate but will fall far short of the total sum provided in the Estimates and by Special Warrant. This is largely because considerable orders for stores of various kinds have been placed overseas and owing to supply difficulties are not likely to be fulfilled until next year. Moreover, because of local labour and supply difficulties a number of capital works for which provision was made either in the Estimates or by Special Warrant are now unlikely to be completed. It is accordingly necessary to re-vote in 1943 funds to provide for the completion of these works and for

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the cost of the various stores on order. The total sum involved in these revotes is some £191,000. In the circumstances we consider it would be prudent to transfer that sum this year into a special revotes fund from which we will recover a corresponding amount next year to offset the expenditure. Such a transfer would reduce the expected surplus for this year to £109,000. I should like to emphasize that this figure of £109,000 must not be regarded as a firm estimate. The actual amount will depend largely on whether or not orders overseas are executed more or less rapidly than appears likely on present information. If they are executed more rapidly, then the surplus will be less and the revotes also less; on the other hand, if they are executed more slowly the surplus will be greater.

As regards next year's budget, I will confine my observations to broad principles only, since the detailed framework of the budget will be fully explained by the Financial Secretary.

I realize from the debates which took place during the last Session that the question of post-war development is much in the minds of honourable Members, and the fact that there appears to be no specific provision in the draft Estimates may give the impression that Government has not yet begun to make plans. That is not the case. Several long-term programmes, particularly in respect of soil conservation, water supplies and developments in the field of education, have been drawn up, some of them in considerable detail, and I have already referred to the importance I attach to a large scale housing programme. But apart from questions of finance and whether or not the present is an appropriate time formally to apply to the Secretary of State for financial assistance through the Colonial Development and Welfare Vote, the practical difficulty at the moment is the acute shortage of building materials and artisans. We have, however, found it possible to make some progress on our road reconstruction programme by using prisoner of war labour, and the Director of Public Works hopes to be able to do very much more next year. A total

sum of just over £90,000 has been provided in the draft Estimates. This will, we hope, suffice to complete the 1942 programme on the Naivasha-Nakuru and the Nairobi-Thika roads, and certain roads in the Coast Province. It should also enable the Litein-Sotik road to be provided with a bitumen surface, leaving £50,000 available for further development in accordance with the advice of the Central Roads and Traffic Board.

The draft Estimates do not provide for any increase in taxation but honourable members will observe that the estimated revenue from income tax has gone up by fifty per cent. The reason for this is that the increased rates approved by this Council a year ago applied only to one of the two instalments to tax paid during 1942, whereas they will apply to both instalments of tax payable during 1943. While, therefore, no increase in the rate of income tax is proposed, the real burden of income tax will certainly be greater during 1943 than it has been this year. With the decline in imports and with the gradual, but I fear inevitable, increase in the cost of living, real incomes are declining and for this reason too income tax is likely to become an increasing burden. I can testify from what I saw during my recent visit to England that the increasing burden of taxation there is being borne with the utmost fortitude and cheerfulness, and I shall be sorely disappointed if the people of this Colony are not ready to meet their obligations in the same spirit.

The revenue estimates have been framed on conservative lines, particularly in respect of revenue from customs duties which we have felt it prudent to reduce by as much as a quarter of a million. The remaining estimates, although in many cases they show a substantial increase over the corresponding figures for the year, are fully justified on the actual amounts accruing during the first half of the year.

On the expenditure side, honourable members will see that it has not proved possible to balance the budget. The estimates show a deficit of some £68,000, but this deficit only arises because we propose to carry out in 1943 certain capital works which would form

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an appropriate charge to loan expenditure. In present circumstances these projects, if proceeded with at all, must obviously be met from revenue, but if and when a Loan is raised after the war the question of transferring items to a loan schedule with a corresponding credit to the surplus revenue balance will require to be considered in the light of the financial position at the time.

In this connexion I must make just two further observations. In the first place, a one-line vote has been inserted in the estimates to provide for relief to Government employees in the lower grades on account of the increased cost of the essentials of life. Honourable members know that a Fact Finding Committee was appointed some months ago, under the Chairmanship of Mr. Don Small, to investigate the position. The findings of that Committee were communicated to the Government in due course and a further committee was appointed, under the chairmanship of the Financial Secretary, to make recommendations as to the form that relief should take. The deliberations of that committee are now concluded and the report is being drafted. It is evident that relief on a considerable scale will be unavoidable. We do not know at this stage what the cost is likely to be, so the provision of £50,000 in the Draft Estimates must be regarded as largely a token figure.

The second point is the very large contingent liability which has been assumed by Government in respect of guaranteed returns to non-native farmers under the Increased Production of Crops Ordinance. The total contingent liability is something approaching half a million, but provision of a token figure only, amounting to about five per cent of the total liability, has been made in the Estimates. If cereal crops are afflicted by drought, locusts or disease, as I sincerely hope they will not be, a substantial liability will fall on the taxpayer. In such an event the liability would, I suggest, be a fair charge against the Colony's accumulated surplus.

Apart from these two items, the expenditure estimates have been framed on conservative lines and provide a reason-

able forecast of our commitments for the year. Although the total shows a substantial increase, every effort has been made to effect the utmost economy in departmental expenditure and the increase arises solely because of the general increases in costs and the necessity to provide for some expansion of social services.

Of the Bills which will come under your consideration the only one which calls for special mention is a Bill to amend the Native Authority Ordinance, 1937. At present Local Native Council Estimates are approved by the Governor in Council, and in practice before coming up for approval by that body they are examined and reported upon by a sub-Committee of Executive Council consisting of the Chief Native Commissioner, the Financial Secretary and Mr. H. R. Montgomery, one of the Honourable Members representing native interests in this Council. It is now proposed, on the analogy of the machinery originally set up under the Local Government Ordinances, 1928, dealing with Municipalities and District Councils, to appoint a Standing Advisory Committee for Local Native Councils. The primary duty of that committee will be to take the place of the existing sub-Committee of Executive Council which at present advises the Governor in Council on the Local Native Council Estimates. I should make it clear that the Local Native Council estimates will of course continue to be approved by the Governor in Council as at present. This standing committee will also be a body to which the Governor can turn for advice on specific questions that may arise in connexion with the development of Local Native Councils. It is proposed to appoint five African members to sit on this standing Committee in addition to the Chief Native Commissioner, the Financial Secretary and the two Members of Legislative Council representing native interests. I regard this as an important step in associating the educated African more closely in the headquarters administration of Local Native Council activities. I hope, too, that it will have the effect of associating the two Honourable Members representing native interests in this Council more closely with

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the work of Local Native Councils in the districts. That work has been increasing in importance, and the lines on which it is developing is a natural growth which I am anxious to encourage. I appreciate, therefore, the importance of insuring that the five African members nominated to this Standing Committee enjoy the confidence of the Local Native Councils concerned.

Honourable Members, in opening this Session of Council I earnestly trust that, with the blessing of Almighty God, its deliberations may lead towards the promotion of the prosperity and welfare of this Colony and Protectorate (Applause).

OBITUARY.

HON. ISHER DASS

His Excellency then delivered the following communication from the Chair respecting the death on 6th November, 1942, of the Hon. Isher Dass, a member for the Central Indian Area, in tribute to whose memory the Council stood in silence:—

Before we proceed with the other business on the Order Paper I should like to take this opportunity of expressing our detestation of the cowardly and cold-blooded attack upon Mr. Isher Dass, which I am sure is shared by all responsible members of the Indian community as well.

Apart from his work here as a member of this Council he has recently, both as Deputy Director of Indian Manpower and as a member of the East African Civil Defence and Supply Council, especially identified himself with the active prosecution of the war in Kenya. He never hesitated to give either Mr. Harragin, as Director of Manpower, or myself fearless advice as to the steps that in his opinion should be taken, and while it would be premature for me at the moment to say any more until his murderers have been brought to trial, all the information at my disposal is that the attack upon him was deliberately planned by those who resented the part he had played in advocating the steps which this Government had taken in connexion with the control of Indian manpower.

I am sure honourable members will wish to express their sympathy with his widow, and I suggest that we should stand for a few moments in silence as a token of respect.

MINUTES

The minutes of the meeting of 18th September, 1942, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE CHIEF SECRETARY (MR. RENNIE):
Judicial Department annual report for 1941.

BY THE FINANCIAL SECRETARY (MR. TESTLER):

Draft Estimates of Revenue and Expenditure for 1943 and Memorandum thereon, and report of the Kenya, Uganda, and Tanganyika Savings Banks, 1941.

BY THE DIRECTOR OF MEDICAL SERVICES (DR. PATERSON):

Medical Department annual report for 1941.

BY THE DIRECTOR OF AGRICULTURE (MR. BLUNT):

14th annual report, 1941, of East African Agricultural Research Station, Amani.

BY THE COMMISSIONER FOR LANDS AND SETTLEMENT (MR. MORTIMER):

Report of Commissioner for Local Government for 1941.

BILLS

FIRST READINGS

On the motion of the Attorney General (MR. HARRAGIN) the 1941 Supplementary Appropriation Bill and the Election of Indian Members to the Nairobi Municipal Council (Validation) Bill were read a first time, and notice given to move, the subsequent readings at a later stage.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 11th November, 1942.

Wednesday, 11th November, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 11th November, 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 10th November, 1942, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 60—BURGLARIES, ETC., NAIROBI DISTRICT

MRS. WATKINS (Kiambu):

(a) Is Government aware of the amount of burglaries and stealing that is growing daily around Nairobi, and in Nairobi district?

(b) Is Government aware that cars are being taken from padlocked garages at night or pushed silently from beneath bedroom windows so that tyres and petrol can be removed?

(c) Is Government aware that visitors such as pilot officers are having their uniform, greatcoats, parachute cases and kit cases stolen by day and by night?

(d) Is Government aware that a new form of "stealing by attrition" seems to be forming in the shops, "little and often" being the system, so that if caught the native thief is only put in court for pilfering, or petty theft, yet shops are losing £50 a month in some cases and in stocks not in general native use, thereby indicating receivers?

(e) In view of the fact that if receivers could be rounded up the stealing would hardly pay, is Government prepared to tighten up legislation dealing with these pests, particularly stressing the non-native receiver who deliberately trains and rewards African servants for the stealing?

(f) Is Government prepared to order all cases concerning receivers to be tried in a higher court competent to give deterrent sentences to non-natives?

(g) Is Government prepared to cancel trading licences of all members of firms convicted of receiving and to

prohibit the re-issue of such licences for a period of ten years?

(h) Does Government realize the discouragement to the police when all the work involved in bringing a thief or receiver to book ends in a negligible, non-deterrent sentence?

(i) And does Government realize how handsomely it pays the gangs to take these negligible risks?

MR. RENNIE: (a) Yes. The number of cases of housebreaking and burglary reported to the police in the Nairobi and Kiambu districts since 1940 is as follows:—

1940	322
1941	348
1942, up to 30-9-42	359

(b) Yes. Such cases have been reported in the Nairobi and Kiambu districts.

(c) Very few such cases have been reported to the police. A number of thefts of these articles from Military, Naval and Air Force camps has, however, been reported to the appropriate Service authorities, but the latter do not regard the position as serious.

(d) The form of "stealing by attrition" referred to has been prevalent for several years, and there is no reason to believe that there has been any increase recently in this type of crime.

(e) Existing legislation already provides a heavy penalty. There is no evidence available to the police to indicate that non-native receivers deliberately train and reward natives for stealing.

(f) No. Under existing legislation, if the prosecution considers that the offence calls for a greater sentence than the maximum which the subordinate court is empowered to award, it can ask for the case to be committed for trial to the Supreme Court.

(g) It is considered that the cancellation of trading licences of all members of firms convicted of receiving could not be justified.

(h) Generally speaking, sentences given by magistrates are adequate.

(i) As a general rule, the criminal in this Colony does not make crime pay handsomely; in fact, in the majority of cases he is usually in a state of pauperism.

NOTICE OF MOTION

MR. VINCENT (Nairobi South) gave notice of the following motion: That this Council urges Government to submit without further delay to the Secretary of State for the Colonies schemes for any purpose likely to promote the development of the resources of the Colony and the welfare of its people as provided for by the Colonial Development and Welfare Act, 1940.

EGERTON SCHOOL OF AGRICULTURE AND NJORO TRAINING FARM

MR. TESTER: Your Excellency, I beg to move: That this Council approves, pending the raising of loan funds, the advances specified in the schedule here to from the general revenue of the Colony:—Advances pending the raising of loans authorized: The Egerton School of Agriculture, £9,800, Training Farm, Njoro, £8,028.

This resolution arises from the fact that the original estimates for the Njoro Farm School and Training Farm proved to be too low. They were prepared before the war, and a total sum of £11,870 was approved by this Council in 1940. In 1941 a revised estimate was made showing that the capital cost would amount to £17,828. In anticipation of the approval of this Council the Standing Finance Committee recommended that the necessary additional sum should be provided. This was done, and covering approval of the Council is now sought. I take the opportunity to say that in addition to providing the land for this establishment as a free gift Lord Egerton of Tatton has most generously donated a sum of £1,000 to finance the construction of an extra class-room. The thanks of the Government and of this Council are due to Lord Egerton for his generous gift. I would also mention that Your Excellency has decided that the School should be called the "Egerton School of Agriculture" in recognition of the part played by Lord Egerton in its inception and development.

MR. HARRAGIN seconded.

The question was put and carried.

KENYA POLICE GRATUITIES

MR. TESTER: Your Excellency, I beg to move: That this Council approves the payment of an *ex gratia* gratuity of £30 to the dependants of each of the following members of the Kenya Police all of whom lost their lives as a result of police duty:—No. 1739 3/Sgt. Elmi Farah, No. 2296 3/Const. Wambua Ngoiho, No. 1205 3/Const. Gedo Elema, No. 877 3/Const. Dandiere Saikwa s/o Preto, No. 1321 3/Const. Musembei Mulandi.

The five African policemen referred to in the resolution lost their lives on police duty, four of them in frontier troubles on the Abyssinian frontier, and the fifth was murdered on night-patrol duty in Mombasa. No provision exists in the law for the payment of gratuities to the dependants of African police who may be killed while on duty, although proposals are under consideration as a result of the Committee on Police Terms of Service. The cases of these particular policemen are therefore not covered, and the Standing Finance Committee has recommended that their dependants should be paid gratuities of £30, the total amount in each case being divided among the dependants by the district commissioner in accordance with native law and custom. This amount of £30 is the same as the dependants of an African soldier killed in action would get.

MR. HARRAGIN seconded.

The question was put and carried.

SPECIAL GRATUITY

MR. TESTER: Your Excellency, I beg to move: That this Council approves the payment of a special gratuity of £135-3/- to Mrs. E. L. Feast who has retired from Government service after fifteen years' service as a clerk in the Medical Department on the posting of her husband to England on Income Tax duty.

Mrs. Feast would have been entitled to a gratuity of a week's pay for each year of service without the necessity of a motion before this Council had she reached the age of 50 years, which would have been in about two years' time before her resignation was accepted. Mrs. Feast resigned from Government service in order to accompany her husband to England, who was transferred to

[Mr. Tester] England on duty in the London office of the Inland Revenue Department where income tax on United Kingdom companies with interests in East Africa and on East African pensioners is assessed. The Standing Finance Committee, in all the circumstances, considered that Mrs. Feast, who had rendered excellent service, should be granted a special gratuity on the basis to which I have referred. The whole point of the matter is, of course, that through circumstances which the Standing Finance Committee considered reasonable Mrs. Feast left the Service about two years before she actually became entitled by law to a gratuity. The object of this motion is to give effect to that Committee's recommendation.

MR. HARRAGIN seconded.

The question was put and carried.

REDUCED PENSION AND GRATUITY

MR. TESTER: Your Excellency, I beg to move: That this Council approves the payment of a reduced pension at the rate of 117-15-2 a year with effect from 21st November, 1942, inclusive, and a gratuity of £59-3-4 to Mr. Kirpal Singh in respect of his temporary service in the Military Establishment from 16th January, 1915, to 3rd April, 1919, both days inclusive.

Council will remember that there is no law which covers the service of a man in the last war and who without break in his service joined the Kenya Government. There are a great number of precedents to show that Council has favoured granting these reduced pensions and gratuities, and I recommend that we follow precedent.

MR. HARRAGIN seconded.

The question was put and carried.

1941 SUPPLEMENTARY APPROPRIATION BILL

SECOND READING

MR. TESTER: Your Excellency, I beg to move that the 1941 Supplementary Appropriation Bill be read a second time. The object of this Bill is to provide the final legal authority for the payment of the sum mentioned in the Schedule. Council will be well aware that each item

has been before them and has already been passed by resolution of this Council. The sum is enormous compared with normal Supplementary Appropriation Bills, but it includes a sum of half a million pounds which was lent to His Majesty's Government free of interest by motion of this Council in 1941, and as Your Excellency mentioned in your Address yesterday, in spite of this large supplementary appropriation there will be a very large surplus in 1941.

MR. HARRAGIN seconded.

The question was put and carried.

ELECTION OF INDIAN MEMBERS TO THE NAIROBI MUNICIPAL COUNCIL (VALIDATION) BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Election of Indian Members to the Nairobi Municipal Council (Validation) Bill be read a second time.

The object of this Bill is to rectify an error of omission that occurred about three and a half years ago. The constitution of the Nairobi Municipal Council is laid down by law, and specifies that included in its membership there shall be seven Indian members nominated by His Excellency the Governor. It is further provided that if at any time the Nairobi Municipal Council requests that action should be taken the Governor in Council may direct that all or any of these seven seats shall be filled by election instead of by nomination. The law requires that a notice indicating the Governor's order in that behalf shall be published in the Official Gazette. In 1938 the desire was expressed that the Indian councillors should be elected and not nominated as heretofore. The Governor in Council approved that request and the necessary action was put in train for dividing the Municipal Area into wards and getting an election roll prepared. When these necessary steps had been carried out a notice proclaiming the wards and the number of members to be elected for those wards was duly published, but by an unfortunate omission the notice declaring that the Governor in Council had directed that election should take place was not published. This error of omission

[Mr. Mortimer]

has recently come to light and it is now desired to rectify the mistake. The fact is that all elections of Indian councillors that have taken place since 1938 have been invalid, and it might even be said that as the Nairobi Municipal Council has been illegally constituted since that date every official action of the Council has also been illegal. Such a state of affairs cannot, of course, be allowed to continue.

MR. HARRAGIN seconded.

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 the two Bills clause by clause.

MR. BROWN (Solicitor General) seconded, and 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, and 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, and the question was put and carried.

The Bills were read accordingly.

ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 17th November, 1942.

Tuesday, 17th November, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 17th November, 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 11th November, 1942, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By MR. ROBINS (General Manager, K.U.R. & H.):

1st Supplementary Estimates, 1942, and Estimates of Revenue and Expenditure, 1943, K.U.R. & H.

ORAL ANSWERS TO QUESTIONS

NO. 64—SHORTAGE OF MAIZE MEAL

MR. SHAMSUD-DEEN (Central Area):

(a) Is Government aware that for over a week a large number of Africans and the poorer class of Africans have been unable to get any kind of *posho*, flour or atta, and that a stage of starvation has been reached in many cases, and that several Indian retail shopkeepers have been assaulted and threatened with their premises being forced open and any food found therein being removed by force?

(b) Should the answer be in the affirmative, will Government state what steps it proposes to take in order to relieve the situation without delay?

MR. TESTER: (a) The Government is aware that there has been a shortage of maize meal, flour and atta, but is not aware that a stage of starvation has been reached in many cases.

As regards the assaulting and/or threatening of Indian retail shopkeepers, only four cases had been reported to the police up to the 23rd of October, all these being in the Kiambu District. No specific cases of thefts of food by force from shops after forcible entry had come to the notice of the police up to the 23rd of October.

[Mr. Tester]

(b) Every effort has been made to ensure, as far as is practicable, equitable distribution of available supplies of the commodities in question. The attention of the hon. member is particularly invited to the Essential Commodities (Control of Distribution) Regulations, 1942 (published under Government Notice No. 947 of 1942), action under which is being taken in respect of the Nairobi and Mombasa Municipal Areas in the first instance.

MR. SHAMSUD-DEEN: Arising out of that answer, Your Excellency may I ask the hon. member to make it clear that this question was put to Government by me about two months ago? Although there has been considerable relief since then, I would ask if Government is aware of the fact that while this threatened looting has been avoided another form of looting has been concerted in this town in reference to what the hon. member referred, the Commodity Distribution Board . . .

HIS EXCELLENCY: I must ask the hon. member not to make a speech on a supplementary question. I am not quite clear what is his supplementary question?

MR. SHAMSUD-DEEN: The first part of my question was to make it clear to Council that my original question was asked two months ago and, arising out of the answer, I wanted to ask a further question. But if Your Excellency rules me out of order then I will not ask it.

NO. 69—OFFICIAL RECEIVERS' CONFERENCE

MR. VINCENT:

Will Government arrange a conference as soon as possible between the Official Receivers of Tanganyika, Uganda and Kenya in order to settle the very necessary drastic amendments to the Bankruptcy Ordinance, which, in its present form, has proved to be a complete farce?

MR. RENNIE: The Government has under consideration proposals made by the Official Receiver for the amendment of the Bankruptcy Ordinance, 1930, in order to afford greater protection to the commercial community in this matter and is in communication with the other East African Governments on the subject. If their replies indicate that a conference

of the Official Receivers of Kenya, Tanganyika Territory and Uganda is necessary or desirable this Government will be ready to arrange it.

NO. 71—PIECE GOODS FREIGHT RATES

MR. KASIM (Western Area):

Is Government aware that prices of piece goods and other cloths used by the poorer sections of the African and Indian communities have risen between 300 and 400 per cent? If the reply is in the affirmative, in view of the unprecedented reserve fund created by the K.U.R. & H. and the enormous profits which are being made by the Railway Administration due to war conditions and increased production, as also owing to petrol restrictions which restrict the use of cars and buses, would Government consider inducing the Railway Administration to reduce the high freight charged for the piece goods and thus afford relief to the hard-hit poorer sections of consumers?

MR. RENNIE: The Government is aware that the prices of the goods referred to above have risen. The question of reducing railway freight is, however, a matter for the High Commissioner of Transport after consultation with the Railway Advisory Council and is not one for decision by the Government of Kenya.

It may be added that the Government understands that the railway freights on piece goods represent on the average approximately 2½ per cent of the cost of the goods to the consumer, and that the K.U.R. & H. has maintained, in spite of increasing costs, its low level of railway freights reached after a policy of rate reductions in the pre-war period.

NOTICE OF MOTION

MR. RENNIE withdrew the notices of motions he had given on the 11th and 17th November relating to appointments to the Standing Finance Committee and substituted therefor the following:

That the hon. Member for Nairobi South be appointed a member of the Standing Finance Committee in the place of the hon. Member for Nairobi North and that the hon. Shamsud-Deen be appointed a member of the Standing Finance Committee in the place of the late hon. Isher Dass.

DRAFT ESTIMATES, 1943

MR. TESTER: Your Excellency, I beg to move: That the Draft Estimates of Revenue and Expenditure for 1943 be referred to the Standing Finance Committee.

Before I turn to the Draft Estimates themselves I would like to refer to the present general financial position. When the 1942 Estimates were being considered a year ago, it was expected that the surplus revenue balance at the end of 1941 would amount to just over £750,000. This proved an under-estimate, principally because of unexpectedly large revenue from customs duties during the last few months of 1941 and increases in taxation from fees. In the result the Colony's surplus revenue balance, which at the beginning of 1941 amounted to some £455,000, had risen to £1,294,784 at the year's end instead of the three-quarters of a million we had expected. I must make it clear that this figure of well over one and a quarter million pounds entirely excludes the sum of £500,000 lent in the latter half of 1941 to His Majesty's Government free of interest for the duration of the war, so that the year 1942 began with surplus funds including the £500,000 amounting to over one and three-quarter millions. The main cause of this large accumulation of funds was the buoyant revenue from customs and excise duties chiefly during 1941; in that year alone these duties brought in over three-quarters of a million more than the estimate. The estimates for the year 1942 envisaged a deficit of £9,000. The position has recently been carefully examined in the light of the actual revenue for the first nine months and the actual expenditure for the first seven months of this year, and the indications are that instead of the expected deficit there will be a surplus of the order of £300,000 when the accounts for 1942 are closed, unless we debit 1942 expenditure with a sum representing the amount we expected but have been unable to spend in 1942 on capital works, reserves of stores, and so on, and pass the sum to a Reserve Revotes Fund Account from which a revenue credit in 1943 can be drawn to set off against such delayed expenditure not possible in 1942 but which we hope it may be possible to incur in 1943.

In the Draft Estimates such transactions are envisaged and the amount involved shown in the appendix is estimated to be about £191,000. In consequence, the surplus expected to be shown for 1942 when the 1942 accounts are closed is some £109,000, instead of the £300,000 I mentioned before in view of the fact that this £191,000 is being passed to a Revotes Account, and the accumulated general revenue balance on 31st December, 1942, is expected to be £1,403,548. Again we have to remember that we shall have in addition the £500,000 lent to His Majesty's Government-making in all, according to this estimate, surplus funds to the round figure of £1,900,000. Indeed, in these days when estimating is a matter of the greatest difficulty, it is not a fantastic dream to toy with the idea that at the end of the year we shall have total surplus funds amounting to the good round figure of £2,000,000. Against this we have an annual contingent liability of getting on for half a million pounds in connexion with the guaranteed minimum return per approved acre in regard to acreages of wheat, maize, rye, etc., which have been ordered to be planted under the Increased Production of Crops Ordinance.

Before I leave the 1942 accounts I must give hon. members a brief explanation as to why the estimated deficit of £9,000 has turned into an estimated surplus of £109,000. The main cause has been the general buoyancy of the revenue. The estimate for imports duties is expected to be reached, but excise is likely to be £93,000 over the estimate. Great efforts have been made to bring income tax assessments up to date, despite serious shortage of staff, and the figure collected is likely to exceed the estimate by as much as £200,000, while Post Office revenue is expected to be about £70,000 over the estimates. Other revenue items also show increases over the original estimates. These items are expected on revised figures to be in excess of the amount shown in the Sanctioned Estimates for 1942:—Petrol Tax, £40,000; Estate Duty, £28,000; Trading Licences, £15,000; Stamp Duties, £10,000; Personal Tax, £10,000; Forest Revenue, £48,000; Interest on our Surplus Balances, £20,000; Reimbursements, £200,000. The items I have mentioned total some £734,000. In

[Mr. Tester] all total Kenya Revenue for 1942 is now estimated to be some £848,000 in excess of the total amount shown when the 1942 Estimates were approved, but some £314,000 less than actual receipts in 1941.

Kenya expenditure in 1942 is expected to be £538,423 in excess of that provided for in the approved Estimates for 1942 or if we take into account, as we should do, the proposed transfer to the Revote Fund of £191,236, the excess will be £729,659 over the amount voted in last year's Estimates.

I have explained why the revote figure of £191,236 is expected to be charged to the 1942 expenditure accounts, but some explanation is necessary as to how the immense excess of £538,422 in expenditure over the amount sanctioned has occurred. The first thought of hon. members in this connexion will, no doubt, be that happily it is covered by increased revenue, and my broad explanation is, that it is chiefly due to delayed payments and war conditions. The following are the main items in round figures totalling £494,000 contributing to the excess:—Delayed and increased payments relating to internees in South Africa, £58,000; Breaking Grants, Guaranteed Minimum Return and Agricultural Machinery, £86,000; Extra Police, N.F.D. Turkana, £30,000; Forests for Additional Supplies and Replanting Fund, £50,000; Pensions and Gratuities, £30,000; Back Contribution to Water Supplies Renewals Fund, £80,000; Evacuees (reimbursed), £120,000; E.A. War Bonds int. (reimbursed), £10,000; Medical Stores, £30,000.

I will now turn to the 1943 budget as presented. Hon. members will see that at this stage that a deficit of £68,000 is foreshadowed and I would like first of all to make this point: it is usual to finance capital expenditure of a productive nature from loan funds rather than from revenue or surplus balances. At present, owing to war conditions, it is not possible to raise a loan, but there are certain capital works which would normally be financed from loan which the Government considers should be undertaken now and for which provision has been made in the Draft Expenditure Estimates for 1943. These are, first, continuation of the road reconstruction programme estimated

to cost £50,000; secondly, the construction of two additional reservoirs for the Mombasa water supply on which we expect to spend £15,000 in 1943; and, thirdly, the hard-surfacing of the Litchin-Sotik Road at a cost of £7,500. These three items, as Your Excellency explained in your Communication from the Chair, amount to £72,500 and more than offset the expected deficit of £68,000. If loan funds were available in 1943 we should not be budgeting for a deficit in 1943. Having cleared this point I should like to indicate the main objects which provide the framework against which the draft Budget now under discussion has been prepared. It is the policy of Government to maintain surplus balances as far as may be possible at least at their present level in order that we may be in a position firstly to be able to carry on unaided should a change in the war situation lead in the future to a falling off of revenue. In this connexion I need hardly remind hon. members that the victorious progress of the war may well have an adverse effect on the narrow issue of Kenya's budget position. Secondly, it is considered that these balances should, as far as possible, be maintained to meet the comparatively heavy delayed recurrent expenditure which must be piling up because, owing to shortages of staff, shipping and materials, it cannot be dealt with in war time; and thirdly, the balances should be maintained to provide that we have liquid cash with which to finance the most immediate post-war development schemes and projects without risking any delay, which may be caused for reasons beyond our power to influence, in negotiating for financial assistance from outside sources.

Having stressed the importance in the view of the Government of the maintenance of surplus balances, I must add that the Budget has been framed with further objects of prime importance in view. They are, to provide funds to maintain and increase production, provided such production can be procured at a cost which is reasonable in relation to war time demands and, further, to improve communications to enable products to be marketed to the best advantage. Then the necessity has been kept in view for provision for capital works on which progress can be made by the use to a

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large extent of local materials and which are in fact a necessity as much under war conditions as in the piping times of peace. I refer principally to the road programme and the programme for native housing and regret that limiting factors such as shortages of even the small quantities of imported material required and the shortage of artisans have mitigated against more ample provision in the Draft Estimates. Finally, provision has been made for relief to persons on the lower ranges of emoluments to counteract any unduly harsh effect of the increased cost of living.

I now ask hon. members to bear with me while I go into more detail concerning the Revenue side of the 1943 Draft Estimates.

There is no provision in this budget for any increase in existing taxation. This fact does not indicate that the Government has come to a final conclusion that a saturation point has been reached and that increased taxation has by itself caused a reduction in receipts. I am not one of those who accept the view that, because this or that imposition is less heavy in Kenya than in some other countries, the incidence of taxation in Kenya is necessarily less heavy than in such countries. On the other hand, I can think of certain sources from which additional revenue could legitimately be drawn, and I have no doubt hon. members can too. I have no doubt that in such an event the spirit of all races in Kenya is such that further sacrifices would be borne with courage and fortitude. The question, however, for consideration is whether any increase is desirable in view of the well-known rise in the cost of living. When the Standing Finance Committee examines the Estimates they will probably make some changes, and I shall be grateful for any views on this broad question as to the necessity for increased taxation.

When I say that no provision has been made for increased taxation I must qualify this statement by reminding hon. members that rates of income tax were drastically increased a year ago. The increased rates applied to one instalment only of taxation during 1942 but will apply to both instalments during 1943, and in the 1943 Draft Estimates a figure

of £600,000 for income tax has been inserted. It could I think, reasonably have been higher, if the Commissioner had been able to engage additional qualified staff to accelerate assessments.

The method of native taxation has been completely changed. This Council has already passed a Bill providing for the substitution of a universal poll tax for the previous hut and poll tax, and my hon. friend, the Chief Native Commissioner, informs me that there is every reason to believe that the change will be highly acceptable to native opinion. The introduction of a new tax like this necessarily renders the estimated yield to some extent tentative in character, and the estimated revenue has been put at £510,000, which is £15,000 less than this year's estimate. I must point out, however, that as a set-off against this reduced revenue the responsibility for certain social services in native areas has been transferred to Local Native Councils in accordance with the recommendations of the Committee under my predecessor's chairmanship, which considered the financial relationship between the Government and Local Native Councils. As explained in that report the net financial implications of those recommendations are not great either in relation to the Government or to Local Native Councils. I must, at the same time, warn Council that the assumption of responsibility for many of these expanding services will throw an increasing burden on Local Native Councils where the rateable capacity of their areas is limited. It may, therefore, be necessary, during the early stages of development to provide those areas with some measure of assistance from the public purse. Whether that will be so or not in 1943 we cannot very well tell because Local Native Council budgets cannot be regarded as firm estimates pending experience under the new system.

Customs duties show a reduction of nearly a quarter of a million on this year's estimate. For the first five months of this year customs revenue came in exceedingly well and there was every indication at the end of May that the estimate for the year would be greatly exceeded. Since then, however, the restriction of imports and the shortage of shipping have made themselves felt to

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an increasing degree and revenue has suffered severely in consequence. The indications are that the estimate for 1942 of £798,000 will just about be realized, but it was considered prudent to reduce the estimate for 1943 to £550,000, the lowest it has been for many years. The estimate for Excise at £260,000 shows an increase of £93,000 over 1942 but the figures are fully justified on the basis of the actual revenue accruing during 1942.

As regards licences, duties and taxes, I have already dealt with native poll tax and income tax. The only other item to which I need refer is petrol tax which shows an increase of £31,000. This is based on the actual revenue accruing during the first six months of 1942. The estimate for Post Office revenue is up by £53,000 but is £15,000 less than the revised estimate for 1942. This reduction is considered to be prudent in view of the fact that there are some indications of a slight fall in collections during the latter part of this year.

As regards Head 10, Interest and Redemption, the payment of £100,000 by the Imperial Government is a set-off against an expenditure item of the same amount. As hon. members are aware, the money is borrowed for East African war bonds by the Kenya Government which is liable to pay interest to the bond holders. The money is re-lent to the Imperial Government which is liable to pay interest to the Government of Kenya. This revenue was previously shown under "Reimbursements" but the head "Interest and Redemption" is considered more suitable. The 1943 Draft Kenya Revenue Estimates as a whole, although under many items they show increases on the 1942 Estimates, have been framed on cautious lines and they amount to some £295,000 less than the revised Estimates for 1942.

The more notable items of the expenditure side of the Draft Estimates, 1943, now require a brief reference, and I shall give an explanation later on as to why the Kenya figures are £611,255 in excess of the provision made in the 1942 Sanctioned Estimates. They are £72,832 in excess of the revised estimated expenditure in 1942. To take figures in connexion with production first, I feel sure hon. members will have no doubt

that production must be maintained and within limits increased. The problem now before us is how to feed in co-operation with the East African territories the East African civil population and to meet the demands of the vastly increased population and the labour employed in consequent ancillary services which has come to our shores since the last budget session. I regret that for security reasons I cannot announce certain figures relating to additional internal demands for food; if I could, the disappointment felt at our inability to furnish exports of cereals, for example, would be, I trust, assuaged. As hon. members know, Government has guaranteed minimum prices for the most important crops, and guaranteed minimum returns per acre to the producers of certain crops. It has also been decided to pay special grants for the breaking of new land. There is a vote of £25,000 in respect of these breaking grants and another vote of £23,000 to meet guaranteed minimum returns. No such provision was made in the 1942 Estimates. This latter vote must be a token figure, because the contingent liability involved amounts to about half a million pounds, and it is impossible to say at this stage what we may be called upon to pay. It depends, for example, on whether we have adequate rains at the proper time, on whether we suffer from locusts or pests, and on numerous other factors. If we are fortunate, we may have to pay nothing, or next to nothing, but if we are unfortunate our liability may be substantial. Whatever the position may be, I feel that in giving the guarantee we are making a real and justifiable contribution to the successful prosecution of the war. The actual guaranteed minimum returns per acre have not yet been fixed for 1943 but they will be such as to guarantee the producer who produces under reasonably suitable conditions a reasonable return. The Government does not wish to spare money on ensuring increased production, but at the same time I think all will agree that guarantees should not be given to encourage un-economic production at the expense of the taxpayer which would afford unnecessarily high profits to the producer under reasonable economic conditions.

Another item of importance in regard to production is the expenditure on the

[Mr. Tester] agricultural machinery pool operated by the Agricultural Production and Settlement Board. The estimated cost is £22,000 in 1943, including considerable capital expenditure on the purchase of machinery, and there is a revenue item of £18,000. It is hoped that this scheme will be entirely self-supporting and that over a period the revenue will cover all the recurrent expenditure plus depreciation of machinery. It must be admitted at once that there is some risk that this hope will not be realized, but I contend that any net loss that may result is fully justified as a contribution to increased production. These items are shown under the Agricultural Department's Estimates and the total provision under that department is £91,381 in excess of the provision in the 1942 Estimates. The cost of the Agricultural Production and Settlement Board, estimated to be £11,180, is included under this head. Although we have guaranteed the prices of certain crops, there is no provision in the Estimates for implementing those guarantees, because we hope that marketing will be carried out in such a way that the Kenya taxpayer will not be called upon to meet any obligation. Increased production of crops, as well as other factors, has imposed a heavier burden on our road system. Costs of maintenance have also gone up, and the Draft Estimates include provision for an increase in both the Public Works Department road maintenance vote and the basic road grants payable to district councils by 15 per cent. It is also proposed to incur capital expenditure of over £120,000 on permanent improvements to the Colony's roads. Of this sum, £63,000 is a revote of expenditure approved in 1942 which could not be spent and £50,000 is to finance a further instalment of the road reconstruction programme. I cannot say exactly what roads will be affected, but it is the intention of the Government to seek the advice of the Central Roads and Traffic Board on this most important matter.

Apart from the items which I have mentioned, considerable miscellaneous expenditure closely connected with war conditions is provided for under Head 40 of the Estimates described as War Expenditure Civil, which shows an in-

crease of £170,000 over the 1942 Estimate figure, and I would like briefly to refer to some of the items in that head. I must first of all make the point that much of this increased expenditure has been necessitated by Japan's entry into the war such as expenditure on various controls, air raid precautions, and so on, and had to be provided for by special warrant in 1942. In the 1943 Draft Expenditure Estimates provision has been made for a contribution to the expenses of the Industrial Research and Development Board of £5,000 and of £3,750 to the East Africa Command Welfare Fund and £1,500 in connexion with expenses relating to accommodation for civilian women war workers in Nairobi. New expenditure of £5,000 apiece is provided for the expenses of civil recruitment and for recruitment for the armed forces. £15,000 is provided for rubber collection, a most urgent service, and there will be at least equivalent revenue. Air Raid Precautions are estimated to cost £15,000 in 1943, a great increase, while the Supplementary Police Force, paid for under this Head, shows an increase of £38,682, the total provision for this Force in the Draft Estimates being £82,682. Under the Miscellaneous section of this Head of Estimates will be found provision for various economic controls and bodies, and the cost is some £23,700, in excess of provision in 1942 Estimates. Here again, the basic cause of the increase is to a great extent the act of Japanese aggression and the 1943 Estimates reflect increases made by special warrant in 1942. The sum involved is formidable, and I can assure hon. members that the expenditure is inevitable and will probably have to be supplemented. I state quite plainly that in my opinion any shortcomings in performance in connexion with the activities of some of these controls is caused by lack of staff due to difficulties in recruitment. The Government is well aware that there is a school of thought which quite honestly doubts the necessity or utility of controls. The blunt fact is, at any rate in regard to imports, price and distribution controls their existence is an absolute condition under which we obtain supplies. The rationalization of the distribution of supplies to the United Nations by a Council in Washington is

[Mr. Tester] considered as a pre-requisite to victory, and such rationalization implies the insistence on ever-increasing control—and I may add work—locally. I cannot leave this subject without paying tribute to the invaluable assistance rendered to the Government by controllers, advisers and expert committees on a voluntary basis. While the experience so placed at our disposal could not be bought, at the same time the amount of actual work done, if it had to be paid for, would make a substantial addition to the provision which would have to be made in 1943 under the section of Estimates to which I have referred.

I have left to the last a reference under this Head for War Expenditure Civil to the provision of £50,000 for relief in connexion with the cost of living. A committee of which I am chairman has examined the problem, and our recommendations have now been made to Government. Whether the sum of £50,000 will be sufficient to cover the cost of the relief ultimately granted cannot be foreseen at the moment and it may be that additional expenditure will prove unavoidable because just.

The next point in connexion with the Expenditure Estimates is the provision made to maintain and improve the health of the peoples of this Colony, and to provide educational facilities for their children. In the first place, the Medical vote shows an increase of nearly £20,000 apart from the revote for the purchase of drugs and equipment. This extra £20,000 is partly necessitated by the increased cost of medical appliances and partly by the great and increasing extent to which use is made of the facilities provided by the department, particularly to the African. Provision has been made on the recommendation of the hon. Director of Medical Services and with the consent of the Standing Finance Committee, for some increase in the very meagre medical services which have hitherto been found possible in the Northern Frontier District. As regards housing, it is generally agreed on all sides that a great addition to African housing in urban areas is necessary on health grounds alone apart from other considerations. A sum of just over £10,000 has been provided in the Draft Estimates,

and the only reason that it is so low is that at the time the Estimates were prepared it was all that the hon. Director of Public Works expected to be able to spend. If he finds during the examination of the budget, or even during 1943, as I hope may be the case, that he is able to spend more, I have no doubt that the Standing Finance Committee will readily agree to the necessary additional provision. In regard to Education, the apparent reduction in expenditure on African education is fully explained in the memorandum on the Estimates, but European and Indian education each show substantial true increases when compared with the 1942 Estimates. Expenditure on Indian education shows an apparent decrease, but it must be borne in mind that provision for passages amounting to over £2,000 was made in 1942 and is not repeated during 1943. This increase in expenditure on non-native education is the inevitable result of two factors, namely, the natural increase of the population, and the fact that owing to war conditions many children who would normally proceed overseas for their education are now remaining in the Colony. Since these Draft Estimates were prepared, the hon. Director of Education has once more examined the position and has reached the conclusion that the Standing Finance Committee when examining the budget should be invited still further to increase the provision. Moreover, I must say this, that there is no indication that the peak of the demand for educational facilities for non-natives or natives has yet been reached.

As mentioned earlier on in my speech I will list a number of the main increases in the 1943 Draft Expenditure Estimates which have led to an increase of £611,000 on the provisions made in 1942. The list is as follows: Agricultural Department, increase £91,381; Education Department, increase, £15,172; Forest Department, increase £39,414; Local Government, increase £22,996; Medical Department, increase £49,840; Pensions and Gratuities, increase £35,600; Posts and Telegraphs, increase £58,631; Public Debt, increase £61,458; Public Works, increase £49,287; War Expenditure Civil, increase £170,007.

I have referred in some detail to the increases under Agriculture, Education,

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Medical, Public Works and War Expenditure Civil. The increase under Forests is chiefly for payment to the forest replanting fund and payments for special timber supplies; the expenditure is covered by revenue. The increase under Local Government is chiefly due to contributions in respect of Mombasa water supplies and for road grants. The increase under Pensions and Gratuities is more apparent than real since in 1942 provision was much under-estimated. Permission to retire is still withheld except in special circumstances. The increase under Posts and Telegraphs is due to a degree to increased departmental activity covered by increased revenue, but to the extent of some £40,000 the increase is to cover important extensions and improvements of communications chiefly in the Nakuru-Nairobi route, in the Northern Frontier District and Turkana and at the Nairobi Exchange. The increase in Public Debt is covered to the extent of £56,106 by reimbursement.

I submit that the Expenditure Estimates have been prepared with a view to avoid waste but to meeting the exigencies of the times. All departmental estimates have been most carefully examined item by item and an average all-over increase in recurrent expenditure amounts to approximately 7 per cent of the 1942 figures which, in view of the increased cost of most essentials, I trust will not be thought unreasonable.

At this point I might well complete my speech as far as the Draft Estimates are directly concerned but there are one or two financial items to which I should like to refer. The first is the balance-sheet and cash position. In to-day's Gazette, hon. members will see a statement of assets and liabilities as at 31st July, 1942. The form of it has recently been improved and shows clearly that our balance of some one and three-quarter million pounds at that date is fully covered by cash to the extent of some one and a half millions and by easily recoverable advances. Since July the Standing Finance Committee has recommended further advances for financing activities necessitated by the war. £22,500 has been approved to finance small subsidiary industries, £15,000 for central workshops for the repair of agricultural

implements and electrical appliances necessary for production, and £100,000 has been placed at my disposal for the purchase of essential imports for holding; in some circumstances and in connexion with certain essential articles import is now only possible in bulk and in quantities beyond the immediate capacity of the local market to take up. A case in point is the import of fertilizers. One of the features of our war-time budgets has been wide difference between our estimates and results. Vast sums have been provided by special warrants and large sums provided in the Estimates have not been spent; expected revenue has not accrued and unexpected revenue has rolled in in astonishing quantity. I feel sure that hon. members will realize that this position is due to the impossibility of accurate forecasts in time of war. In 1939 Estimates were prepared when little indication was available as to what the effect of the war with Germany would be on our economy. In 1940 they were prepared when new uncertainties were caused by Italy's entry into the war and by the steps taken to repel the invader from our boundaries and hundreds of miles beyond them. In 1941 we discussed the 1942 Draft Estimates just as Japan's act of aggression created new problems and rendered the outlook obscure. What is the position now as we discuss the 1943 Draft Estimates? It is one of uncertainty still, but what glorious uncertainty! I can give no guarantee that these Estimates will conform more to results than have previous war budgets, but I contend that great care has been taken in their preparation, and I commend them to Council.

MR. HARRAGIN seconded.

MR. WRIGHT (Aberdare): Your Excellency, I would first congratulate my hon. friend the Financial Secretary on the skill with which he has introduced the 1943 "Guestimates", for on his own evidence they can be treated in no other light. He himself has stated that in common with other war budgets the estimated revenue has not come along and, conversely, sudden windfalls to a great measure have rolled into the Treasury. I therefore agree that the Estimates must necessarily be treated as sketchy, and in respect of those portions

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where he claims that items have been scrutinized before the Estimates were tabled I would deal with some points.

Naturally enough, the first point to deal with is agriculture and production. My hon. friend said that production must be maintained and within limits increased. Then we see £25,000 for the breaking of new land and £23,000 as the amount for guaranteed minimum returns, being 5 per cent of the total contingent liability of approximately half a million pounds. I suggest that that amount is a very small insurance premium to pay in war time as against famine possibility, and I question the wisdom of imposing limits to the production effort in this Colony to-day. I deprecate also the limit of £25,000 for the breaking of new land and clearing a good deal of it. The presumption is that that would allow for not much more than 20,000 acres of new cultivation, which I think is a very poor effort in the Colony where some seven million acres have been alienated, and a considerably greater effort with the greater facilities now afforded should be made to get more under crops. Government seems rather concerned to make sure that the primary producer shall not gain undue profits, but I warn Government that it is infinitely safer to let those profits accrue, which they can easily take away, than to run the grave risk of being short of food supplies in this country.

Labour is the crux of the whole position, and the more I see of the labour position in the country and the trend more and more towards devastating strikes, the more I am convinced that the scheme I put up at the outbreak of the war is the only one whereby we shall get disciplined labour to carry on in the production world. At the time very few people agreed with me. My scheme was that all farm and estate labour should be put under military discipline for the duration of the war, wear badges of rank, a brass button here and there, entitled if you wish to war ribbons, but the main idea was a psychological one: that farm workers should realize that they were in this war effort as much as their friends in the firing line as askaris or Military Labour Corps. That was an unpopular idea, because it would interrupt the free flow of labour as hereto-

fore to and from the reserves to farms. That free flow has been interrupted a very great deal, to meet which Government at a later stage introduced a form of partial compulsion which has not worked very well but which was the necessary thing to do at the time. I suggest that the time has come when all forms of labour on the production effort should be put in that way under discipline and that there be inculcated into their minds the principle and belief that they are thereby taking their fair share in the war effort. That postulates probably better wages, better clothing, better conditions of life altogether. I would say in passing that 30 years ago I paid my labour infinitely higher wages than we do to-day and they were worth it. My minimum 30 years ago was Rs. 6 or Sh. 8, which was the average pay, and a good *shamba* boy got Rs. 12 or Sh. 16; a bullock driver who was a good one and made no marks on the cattle started at Rs. 16, which is only over £1 a month. Those boys were not over my labour but my friends—they worked an honest day's work, and were never shirkers in the sense we see to-day. On a recent occasion I visited an estate where I saw the labour go out after 7 o'clock in the morning and met them returning before 11 o'clock. That state of indiscipline is lowering the production output of the country. I am convinced in my own mind that the panacea I put forward in 1939 is the only way whereby the problem can be met to-day.

While on the subject of production, that envisages the agricultural vote, I am only sorry, Sir, that in your Communication from the Chair you made no announcement on the subject of tea planting. A good many people in this country are waiting somewhat impatiently to hear if and by what means and to what extent the tea planting areas of the country can be extended. We are all the more concerned since we have got ample evidence that while the vested interests at home are doing everything to deter adding to the wealth of Kenya by further tea planting, the same London financiers are actively engaged in planting out with London money in Portuguese East Africa on the borders of Nyasaland. I think the hon. Director of Agriculture may have a greater knowledge of that

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fact than I have, but two months ago, through the banks, though I could not get the details nor the names, I have got ample evidence that London capital is being expended for vast plantations in Portuguese East Africa when our own territories alongside are precluded from developing that great industry.

One matter in which I have particular interest is the poor provision made for basic road grants for district councils, more particularly so as the constituency I have the honour to represent has had a singularly raw deal in the allotment. It has been established, and my hon. friend the Commissioner for Lands and Settlement is fully aware of the arguments, that the Aberdare District Council gets £4 per mile less for maintenance than the average of other district councils. When I read in the memorandum on the Draft Estimates that Government is prepared to allocate for the maintenance of roads an addition of 15 per cent as a temporary measure and admits quite frankly that this is less than the established increase in costs, it is a pretty poor performance to put up against the vast surplus funds in their holding in this country to-day.

Passing on to one point in respect of the Public Works Department, I am extremely disappointed once again that I have to get up and ask for a provision for which I asked a full year ago, a token sum of £2,000 or so which I am told might be sufficient to explore the possibilities of finding artesian water in the light of the favourable report given by one of the department's key engineers. I need hardly stress that the discovery of artesian water in that field, fed by the glaciers of Mount Kenya, would not only be of incalculable value to the country but at the same time would serve to alleviate the water difficulties in the Northern Frontier, and a token vote of £2,000 to make a start and a trial would seem to be well worth while.

I have not much to say about the question of taxation which has given such a very fine yield as £600,000. I would only say that the burden of income tax is being borne with fortitude, as the hon. Financial Secretary suggested, and as one of the most strong critics of pre-war days of this system of direct

taxation in an undeveloped Colony like this, I always made the proviso that if war conditions prevailed or the country was in any way in peril, then the sky was the limit as far as taxation was concerned and that if necessary I would favour a capital tax. We all realize that to win the war everything goes, our lives can be forfeited as well and no tax or sacrifice is too great in such a case. But I would utter a word of warning. If this tax should be maintained—and it was drastically increased last year—if it is to remain after the war it will have a serious effect indeed on the settlement we are looking for and which we trust everything will be done to encourage.

I want to say a word on the Information Office vote. I am very unhappy about the trend to increase this vote (which is now £12,740, and it has risen from £3,500 in the days when Col. Turner officiated), because I have a note of this: that much of it is devoted to native broadcasting and the education of the native, and that the native broadcast in the first fine frenzy of enthusiasm when the war began were very popular indeed with the natives, but they have singularly fallen off in interest in practically all the towns and farms since. That observation of mine on the farms has been confirmed by other settlers, several officials, and at least one missionary. I would ask, is it justifiable that we should go on spending money in a way for which there is no adequate return? I do not deprecate the whole of the Information Office vote. In point of fact, I am convinced that the vote of £600 is a poor one to give for Mr. Champion's mobile cinema. Wherever he goes the natives go to see his shows with great enthusiasm, and I would like to see a multiplication of these units which are more practicable and do more to teach hygiene, better farming methods and so on to the natives than the broadcasts which are not listened to very much to-day.

On the subject of the Police vote, my colleagues wish me to ask in regard to the Police Inquiry Committee Report, a committee of which I was a member, that an opportunity should be given during this session to debate the report itself. There is a good deal of criticism of some of the findings, especially in regard to one matter; that is our rather

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dramatory report in respect of literate natives. In passing I would just say that our chairman, Mr. Troughton, conducted the inquiry—because it was virtually an inquiry—in a most fair manner, and our findings were based entirely on the evidence adduced, and we went to particular pains to get evidence in the interests of the people concerned. I therefore welcome the opportunity of having that inquiry discussed or debated at a later date. Going on to the Supplementary Police Vote, Head 40, I note that in the memorandum no reference is made to an increase under 18 (d), Criminal Investigation Department, Intelligence Branch, though I am very glad to see an increase of nearly £1,000 in their vote. Some considerable time ago I submitted questions which were disallowed on the ground that the answers would not be in the public interest. I accepted that, as security reasons must come first. One question was directed about this C.I.D. and another Government department. I am not going to repeat the questions, but some of us are rather more than ordinarily apprehensive about the freedom with which foreigners—Germans, Austrians, and others—have got back into this country from internment in South Africa. Twenty-one were recently released, and there are three in this town whose activities before the war were known to be inimical to British interests. I have their names, I know their records fairly well, all three of them, and in respect of one it was appalling to me that he was very nearly employed by our Naval Base on account of the fact that he is an engineer with particular skill in diesel engines; actually he is employed near Nairobi. The point of my complaint is this, I know that the Combined Services Security Branch are more than ordinarily concerned about these people getting back to this country. What the position of the local authorities is, the C.I.D., I do not know; what the views of the Commissioner of Police are I don't know. I have had no opportunity of consulting him, but if the Combined Services Security are seriously apprehensive about the position whereby these foreigners are allowed freely back into this country, Government should surely be able to

state the authority whereby they are readmitted. Up-country we know of others, and if I could have an assurance that the Combined Services Security Branch is all wrong and that Government is satisfied they are wrong after their inquiries, if the files could be produced to an impartial tribunal who would judge of this issue, I would feel happier than I do to-day.

I notice that certain controls are not mentioned at all in these Estimates, and I must presume, of course, that the cost of the controls is paid out of the profits accruing to those controls. But I should like to be informed officially of that by the hon. Financial Secretary. I do associate myself very much with him in his tribute to the Controllers, Directors, assistants and local people who have given voluntarily and splendidly of their services in that regard. I also associate myself sympathetically with the token vote given in respect of the cost of living. On the subject of the forest replanting fund, I am glad to see that a fund is being built up for this purpose, but I was surprised at what the Conservator of Forests communicated to a saw mill on a recent occasion—I cannot remember the exact wording, but he said that his department had no plans now or in contemplation for the development of forests, and that could not happen until after the war. The hon. member will correct me if I have misquoted him in any way, but I have mislaid the letter for the moment. On another motion the question of a long-range afforestation scheme is coming up, but I am only too glad to see reserves being established towards a great objective.

Government seems greatly concerned about the maintenance of vast surplus reserves, and I cannot think why. The deficit envisaged is a bagatelle as against what we hold and what we can use. The hon. Financial Secretary finds great comfort in the fact that at the end of this year quite likely the total surplus balance will amount to no less than two million pounds. Now, while in no way advocating squandermania, I would urge Government not to be niggardly now about spending wisely on essential capital works. These, I am told, are properly refundable out of future loan votes, but

[Mr. Wright] that stage supposes loan funds, and it may be exceedingly unwise to hold up essential capital works. While deprecating such hoarding, I trust in conclusion that the Standing Finance Committee will weigh these issues, and will in their revision of the Draft Estimates pay particular heed to urgent necessary capital works, and this must of course come out of revenue, and that they will adopt a more generous attitude towards maintenance by way of basic grants on other essential services so badly in need of funds to-day.

MR. PAROO (Eastern Area): Your Excellency, I will not make a lengthy preamble to my speech because at the last session my hon. friend Mr. Shamsud-Deen, after juggling with a multitude of figures, revealed that it costs nearly £1 a minute if any member of this Council tries to do justice to his innate oratorical power. In attempting to get wiser by this innuendo and also not wishing to waste Government money, I shall try and go straight to the point. I think that at this budget session a great deal of latitude is given to members to ventilate their views on various subjects, but nevertheless I shall try to be brief.

First of all I wish to touch upon the question of the educational aspect of the Estimates. At the last session when I raised the question of an agricultural school or training for the Indians the hon. Director of Education in his reply said that I ought to know that the Indian Advisory Council on Education has had the subject under constant consideration. Looking up my records when I was a member of that body I find that on the 28th June, 1940, the Indian members all raised this question and passed one or two resolutions. One resolution is: "In order to stimulate interest, elementary agriculture should be introduced into the curriculum at the Government schools". As far as my information goes, and it is now more than two years, nothing has been done in the matter to implement this resolution. The second resolution was: "The failure of Indian boys to apply for agricultural training should not be taken as an indication that there exists no desire for such training". This resolution also indicated, through the Indian

members, that the Indian community was keen to have an agricultural school or training. Since then I have come across innumerable people who consider that it would be one of the best solutions to the problem of fitting the Indian youths into civil life when those youths who are now working in the military or other departments for the war effort return after the war, I would therefore strongly urge that in the present estimates some such provision should be made for which there is a demand from the Indian community. At the same time I find that my views are also supported by the Association of Chambers of Commerce of Eastern Africa. About two months ago they passed a resolution which reads: "That the Association of Chambers of Commerce and Industry of Eastern Africa support the proposal to establish means of training Indians in agriculture with the object of absorbing East African-born Indians in agricultural industry". India is primarily an agricultural country, but the influence of western education has made them turn from the plough and take to the pen, and I believe that the salvation of the Indians of this country is now to take up agriculture and become settlers. At the same time I would request that the report of the committee set up on Indian Land Settlement should be accelerated and that some land be made available at economic prices for these young men who will be out of work after the war or are disbanded from the Services.

On inquiring from the hon. Director of Education, I find that during 1941 the cost per head per annum in the Government Indian schools was Sh. 120, whereas the sum in respect of grant-in-aid schools was Sh. 54/50, less than half. In my opinion the responsibility of giving primary education is on the Government, and until sufficient funds are found to take over all the grant-in-aid schools these schools should be given encouragement. I have come to know recently of two schools which had applied from my constituency for a grant, to which the hon. Director of Education replied "I regret to inform you that there is no provision in my estimates for any additional grants for the Indian schools, and there is no prospect therefore of my being able to support either of the two

[Mr. Paroo] schools in question this year or 1943. Examining the Estimates, on the expenditure side I find that the total vote for education has been raised by £12,000, but expenditure on Indian education has been reduced by £17 over the last year. European education expenditure has increased by £9,000; extraordinary expenditure by £3,000. The African education vote has also been reduced, for which an explanation was given by the hon. mover, and also it has been explained in the Memorandum. I do not grudge this £9,000 by which the European vote has been increased, but I do not see why when there has been a demand from the Indian side for education their expenditure has been reduced instead of being increased. However, I am glad it was mentioned by the hon. Financial Secretary in his speech that the hon. Director of Education is going to ask for a larger amount in the Standing Finance Committee, and I hope that Indian education will have some share in that increase.

The second point I wish to raise is the difficulty of the Mariakani people in regard to water supplies. I think it is needless for me to stress the importance of clean water being necessary for all human beings. There are nearly 200 souls in Mariakani, who are asked to use filthy water from a so-called dam in that town in which the native military personnel are allowed to bathe without restriction. If anybody does not wish to use that water he is given the great privilege of buying water from the K.U.R. & H. at an exorbitant price, of 16 cents per tin, and many of them yield to this in order to have water for cooking and drinking purposes. I think it is absolutely necessary that the Mariakani water supply should be looked into. I may make the suggestion that there is a water pipe line up from Samburu and if this water pipe line is extended 18 miles and brought up to Mariakani it would solve the question to some extent. In Samburu water can be had for two cents per tin as against 16 cents per tin in Mariakani, only a distance of 18 miles.

I should now like to touch upon the subject of the innumerable controls which now exist in this Colony under the Defence Regulations. Somebody very

rightly said the other day in a local newspaper that every other man you meet in Nairobi is a director or a controller of one commodity or another. The obvious result of control is that the moment you place control on an article it vanishes like magic, and I think the less control we have the better it will be for the public and the merchant, as well as the consumer. I should like first of all to touch upon Price Control and to make a few criticisms, assuring you that they are done with a view to being constructive. It is admitted that the Price Control Department has failed or has become ineffective so far. Two reasons I attribute for its ineffectiveness. One is that the Price Control Department is trying to control each and every article in the country. I remember in 1939, I think it was September, when Mr. Lockhart, the then Financial Secretary, attended a meeting of the Mombasa Chamber of Commerce and outlined Government's policy of controlling all the essential articles, foodstuffs and cheap clothing, etc. A question was asked as to what was to happen about the other articles, luxury items, and he made a gesture to his pocket and said that it would depend upon the individual (or it would depend on the individual's pocket), whereas today we find the Price Control Department trying to control each and every article from lipstick to tooth picks and from ladies' dresses to dinner jackets. I think that the policy which the Government had in view in the early stages of the war has not been carried out by the Price Control Department. The second point is the failure of the Price Control Department to realize that the merchants cannot be expected to make the same narrow margin of profit as they made during the period February to August, 1939. That period was very unstable for trade after the Munich Agreement. That period was such that when there was a dumping of Japanese goods in this country and German goods were sold on the barter system. There was already the curse in this country of the long credit system. Margins of profit were very low and we had at that time in consequence many bankruptcies in this country. If the Price Control Department insists to-day on the same margin of profit, according to the Price Control Regulations, I am

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sure such things are liable to temptation. By this remark I am not trying to side with the black-marketers, but only trying to show that if the Price Control Department wishes to make itself effective it should try to control merely essential articles, such as foodstuffs and cheap clothing, and give a reasonable margin of profit to the traders taking into consideration present short supplies, restricted importation, etc. If these suggestions of mine were acted upon by the Price Control Department a great deal of black-marketing would disappear inevitably and to-day we would not have to provide £18,000 in the Estimates for the Price Control Department.

As far as the Imports Control Department is concerned, right from the beginning I find there has been no definite policy. There has never been any co-operation with the Price Control Department, and I would not hesitate to say that the Imports Control Department has never known what articles are in short supply in this country. I can give you a recent example of this. At the beginning of October the Indian Merchants Chamber of Mombasa drew the attention of the Imports Control Department to the acute shortage of foodstuffs in the country, and suggested that it would be possible to get some foodstuffs from India provided the Imports Control issued licences. That was at the beginning of October. A reminder was sent with the further suggestion that if these licences were issued quickly it would be possible for the merchants to import the foodstuffs by dhow—it being the dhow season from India to Africa, owing to favourable winds, thereby saving very valuable shipping space. The reply was that they were looking into the matter, and I may inform you, Sir, that up to yesterday, after a lapse of nearly six weeks, no licences have been issued. Against that, I saw a letter addressed to an Indian merchant in Mombasa wherein the Imports Controller allowed him to import cheap native mirrors from India to the extent of Sh. 6,000 or Sh. 7,000. I do not know whether the natives would rather look at their faces in a mirror than have food and cheap clothing!

The third Control I wish to refer to is the recently established Control of

Marketing and Export of Hard Coffee. This control was established against the opposition of the majority of Indian merchants of Mombasa, Uganda and Bukoba. It has been said that this is to ensure the increase of the country's war effort, but in point of fact it is not so. I can prove that. It should be remembered that the Indian merchants are not opposed to the grouping for the purpose of supplying coffee to the military or the Government, but they are opposed to the giving of a monopoly in coffee dealing to a few merchants. As a result of this control several Indian merchants who have been dealing in coffee in the same manner for the last twenty years have been debarred from buying coffee or dealing in coffee. I consider an injustice has been done to these people. In this connexion will it be impertinent for me to ask a direct question? If the Coffee Control was found necessary for the war effort, why have not similar controls been set up for other articles, such as oil seeds, groundnuts and simsim? About the middle of July the Indian Merchants Chamber of Mombasa sent in a memorandum suggesting a similar group or control for oil seeds. This memorandum was acknowledged, stating that it had been referred to the economic adviser to the Government. It is now nearly five months ago, and in spite of this memorandum the monopoly of exporting groundnuts and simsim has been given to the United Kingdom Commercial Corporation against the strong protests of the Indian Merchant Chamber of Mombasa.

While on this subject I may mention that the activities of the United Kingdom Commercial Corporation are looked upon with great alarm by the Indian merchants, not only in Mombasa, but also in adjoining territories. At the last session I asked a question, No. 63, whether Government was aware that certain Indian merchants at Mombasa had lost to the extent of £7,500 because the Government had forced the merchants to hand over their products to the United Kingdom Commercial Corporation at fixed prices, which prices were below their costs. The reply which was given to me, a written reply, was very amazing, and why I say amazing is because I asked whether Government was aware that the merchants

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had lost to the extent of £7,500, but due to my bad hand-writing the figure was read as £500, and the reply came back to me according to that latter figure of £500. When I drew the attention of the hon. Financial Secretary to the fact that I had referred to a loss of £7,500, he replied that it made no difference to his reply whether the loss was £7,500 or £500; a statement that is as unconvincing as it is illogical! The merchants to whom I referred in my question have sent a lengthy memorandum to the hon. Financial Secretary, proving by facts and figures that they had actually lost £5,350 and had they been allowed to export according to their previous contracts they would have gained £11,000. My question and the answer given to it was published in the local newspapers, and afterwards I had letters and telegrams from several merchants in Zanzibar and Dar es Salaam saying that their position was even worse. Of course, their question does not concern this Council and therefore I will not deal with it at length, but I would urge the Government to look into this memorandum of the Mombasa merchants and see that some justice is done to them, otherwise this question is going to lead to great discontent. A recent activity of the United Kingdom Commercial Corporation has been to buy up some lots of curios and silk. I do not know whether it is a temptation to them to pay 25 or 30 per cent profit to the merchants and make perhaps 300 per cent profit for themselves.

I am afraid I have dealt at length with these various subjects and have perhaps succeeded in boring many of the hon. members of this Council who have to be glued to their seats and have to listen to me, but I would like to raise one more point, of a perpetrated injustice which is being done by the Agricultural Department to one of my constituents. It is not a small matter of one individual firm that I am raising, but a matter of principle. In the beginning the Agricultural Department had induced a firm in the Kitui district to tender for the erection of a ginnyery. The Agricultural Department by experiments were satisfied that cotton could be grown satisfactorily in that district, and that is contained in the agricultural re-

ports. The Indian concerned was an old inhabitant of that district. I used the word induced as he was induced by the district commissioner of that time to put in a tender and erected the ginnyery. Cotton went to a crop of 1,400 bales in 1937, but subsequently, as the result of more encouragement having been given to the natives for the cultivation of tobacco, cotton dropped to 75 bales in 1941—from 1,400 to 75 bales. You can imagine the feelings of that concern, which has invested nearly £10,000, to find that no cotton is available. The most curious part is that the Director of Agriculture in his letter of last March to this firm observes "the results obtained in past years and in view of difficulties in marketing cotton under present conditions, it has been decided that no further action will be taken to foster cotton cultivation in the area for the present". I submit that the department has failed to display energy in inducing the natives to grow cotton, or rather it has been fostering the tobacco industry rather than cotton. I think Government, or the Director of Agriculture, has broken its pledges to this concern which was induced to erect the ginnyery. I need not stress that it is the duty of the department to give protection to an industry which was commenced first and not to give encouragement to another article which is subsequently cultivated in that district. I understand that the concern is in communication with the hon. Director of Agriculture, and I trust that he will give his attention and justice to it.

I should like to make a few remarks on the restrictions imposed in respect of trading licences. To-day, no new licence is issued without prior approval of the Trade Licensing Board. There are two representatives of the Federation of Indian Merchants Chambers on this board, but I understand that the majority of members see that this restriction is exercised very strictly. I have known the case of a man resident in this country for fifteen years, but he was a broker, and to-day as there are controls on practically all imports and exports, he thought to trade on a small scale and applied for a licence. Although a resident for fifteen years, he has been declined the licence. The Indian trader has played a very important part in the pioneer years.

[Mr. Paroo] in developing this country, and I should like to quote a small extract from the book written by Britain's No. 1—I refer to the Prime Minister, Mr. Winston Churchill. In his book *My African Journey* he said: "It is the Indian trader, who penetrating himself into all sorts of places to which no white man could earn a living, has more than anyone else developed the early beginning of trade and opened up the first means of communications". If the importance of the Indian traders has thus been acknowledged, why debar a man from earning his livelihood when other means are closed to him? I should like to make a suggestion in this connexion: the issue of the small trading licences such as Sh. 45 and Sh. 112/50 be made free from all restrictions and, secondly, that any transfer of business from one firm to another or the moving from one premises to another shall not in future be referred to the Licensing Board. Incidentally, the local revenue officer should be given power to record such changes, as otherwise great hardships arise from the present onerous system.

Before I conclude I should like to refer to the housing problem of the natives. As a member of the Trades Disputes Tribunal, I know the position is very acute and, as Your Excellency said in your opening Address, something should be done very speedily. We know the position of unrest among the labourers, and this can be avoided to some extent if a housing scheme is put into practice immediately. The evidence adduced to the Tribunal shows that it is not shortage of men but shortage of materials which hampers the progress of the scheme, but I submit that the Building Control Committee has not given priority of materials for the purpose. In the circumstances, materials must be released for the purpose if you want to have quietness among the labour. It goes without saying that contented labour is not less vital for the prosecution of the war.

Before I resume my seat I should like to assure you, Sir, on my behalf, and I am sure the leader of the Indian elected members will also assure you on behalf of us all, as well as the Indian community whom we represent in this Coun-

cil, that whatever may be the political unrest or the differences in India, the Indian community in this country has remained and is loyal and devoted to the British Government. They are willing to co-operate with all that is best for a quick ending to Nazi and Fascist tyranny from the face of the earth. There has been confusion in India in the last three or four months, but the attitude of the Indian community in this country should remove all doubt from your Government if there was the slightest doubt in the minds of anybody in this country. (Applause.)

MR. SHERIFF ABÜLLA SALIM (Arab Elected Member): Your Excellency, we have all greatly admired the ability of the hon. Financial Secretary in the speech which we have listened to with profound attention. The first thing I notice which is absent from his speech, however, is any mention of a provision for pensions for valuable Arab officers who have been in the Service for many years and which I have advocated for many years. Secondly, I am also entitled to some explanation why Government has not expedited the implementation of the Arab and African Terms of Service Report. Government is aware that Arabs for many year past have been very anxious to maintain relations with the British Government in most respectable harmony, but latterly, in view of the bad policy of this Government, the impression has grown that Government has not treated them in the fair manner to which they are entitled, and have now come to the conclusion that the more they remain loyal the more they will suffer. I would also like to add that the letter I have received from the hon. Chief Secretary dated 22nd January of this year has very much intensified the feelings of the Arabs and made them know for certain that this Government cannot be depended upon doing any good for them and, in fact, have not even tried to consider their grievances. For their part you can rest assured that they no longer look upon this Government as friendly to them, and that there is nothing more they would do to help you in these times of stress until the bad policy is revised. I would like to convince Your Excellency that this is the time to prove

[Mr. Salim] your sincerity to your passive subjects by taking steps wherever possible to turn over a new leaf and not to wait until the war ends.

MR. COOKE (Coast): Your Excellency, in your Address last week you drew a comparison between conditions in this country and conditions at home. It is perfectly true that this country has not experienced the worst horrors of war, but we escaped that more by luck than judgment. If the Italians had displayed a little more ferocity at the beginning of the campaign it is pretty certain that we would not be in this building to-day, and General Montgomery would not be making his victorious march into Libya. It is for this very reason that a lot of people in this country feel it is time that Government gave a lead and took steps to see that the food supply, which is now getting very scarce, is conserved and that every race has its fair whack of what remains. For that reason I think everyone is glad to see that Government has conserved the rice supply for those whose stable food it is, and everyone rejoiced when the 30 per cent of maize was cut out of bread and reduced to 15 per cent because that left more maize for the Africans. But, as I said before, we feel that stronger measures should be taken and that people in this country should be compelled, if they are not prepared to do so, to lead a more austere life. For instance, the menus in hotels and clubs are at present far too elaborate and in the opinion of many should be reduced so that food supplies should be conserved. For instance, it should also be easy to reduce that 15 per cent of maize in flour in bread at the moment to nothing, and then to ration that wheat flour to Europeans and Indians. In that respect I think the Railway Administration are worthy of great praise in reducing the meals put up on the railways to not more than Sh. 2 a head. That is an example which I think Government should follow. I must say that I was thoroughly ashamed when visiting the railway locations the other day to find in the milk shop native women and children could only obtain a few quarts of milk a day, while we Europeans, and probably Indians, seem to have an un-

limited supply. That seems to me a very bad and unfair distribution. There is no doubt that the labour disturbances we have had recently have been mainly due to rises in the cost of living and to lack of housing, and also to the deplorable—and it must be deplorable—fact that Africans can see us practically getting whatever food we like while they are in many cases restricted.

On this question of housing alluded to by the hon. member Mr. Paroo, I am simply horrified at Government's attitude. I am horrified at the almost cynical indifference they have adopted towards this vital question; and I am amazed that they should think that the excuses they have given for this attitude could deceive any intelligent man in this country! It is now three years since the Willan Committee reported. I happened to be a member of that committee. The committee strongly urged Government to take action in regard to housing at Mombasa. Was that action taken? It was not. Instead of action, we had a spate of words, pious promises, and nothing else: "It was being considered", "it was suggested", "It was understood", and all the other jargon we are so used to now from heads of departments on the other side of Council. That is not enough. When we ask why this housing was not undertaken, we are met with the monstrous reply that it is because of shortage of material. Using the mildest language I say that is untrue! At the beginning of the war, certainly for the first part, the first year, there was no shortage of material, and if there had been any why were so many private people and business firms permitted to build? Of course, we were also told "shortage of artisans". If there was a shortage of artisans, why were those hundreds of Indians permitted to go to India at that time? Well, I personally cannot accept that explanation for the non-building of these houses. There is a lot of talk about military priorities. I am sure that the average soldier or sailor would say something to surprise the pundits on the other side of Council if he was told that the temporary buildings he was living in were built at the sacrifice of the natives who are living under slum conditions in Mombasa. We are always hearing with "damnable iteration" "There is a war on", and this is

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used as an excuse for not taking action. Mr. Churchill and President Roosevelt have returned pretty effective answers to such evasions, and I have here what Mr. Wendell Willkie, another great man, said the other day: "Some say these subjects should be hushed up until victory but exactly the reverse is true. Sincere efforts to find progressive solutions now will bring strength to our cause. Remember that the opponents of social reform always urge delay because of some present crisis. After the war reform may be too little and too late".

Turning from housing to the labour troubles at the present moment I do not intend to say much in general, because I do not want to make worse a situation which at the moment is fairly ticklish. But I do feel that the chief blame must be borne by Government. People may say, "Why go back and resurrect this sort of thing?" The only reason is that if we can assign the blame perhaps we can avoid mistakes in the future. Government was warned months ago that the Africans were dissatisfied. There is ample and complete evidence of that; you have only got to read the evidence given before the Tribunal, public evidence. Government as usual preferred to wait and not see, to wait and not act; and that has been the usual policy in this country for the past few years, and I think that now we have a temporary respite from strikes this is the time Government should put its house in order, because there is now breathing space. I personally feel that the natives have had and still have legitimate grievances which Government should immediately redress. I regret that I have to touch on one particular dispute in this country, and that is the dispute which was reported in the papers the other day, the trouble on a Lamoru tea estate. It is particularly deplorable that the gentleman concerned happens to be an administrative officer. One would have thought that such a person would not only be scrupulous of but even fastidious in his treatment of native labour. The facts are these as given to me by people in authority.

This gentleman some months ago applied for Meru labour, and in accordance with the Essential Undertakings re-

quirements he stated on his application form the type of labour he required. That, of course, is a very necessary stipulation, because different tribes in this country are suitable for different types of labour. The Kavirondo, for instance, can do heavy labour, and the north-east Kenya tribes are suitable for light labour. He put on his application form that he wanted labour for plucking, pruning, and cultivating tea—light labour. In due course the labour was supplied. I would ask you, Sir, to notice that in that application there was no mention whatever made of road-making or road work. Possibly the gentleman concerned knew that the Meru and Masai had in the past had experience of road making when he was a member of the Administration! There was no mention of this road work, and there was possibly another good reason, because I happen to know that something like a year ago the district commissioner of Meru had summoned the chiefs there and had very rightly asked them to persuade their labour to go out to the farms in the country. The Meru chiefs replied that they were very willing to do this, but there were two farms to which they would not recommend their men to go to work. One of those farms was the farm of this gentleman. In spite of this—and I want to challenge my hon. friend the Chief Native Commissioner on this point—these men were compelled by Government to go out to work for a gentleman who I contend should have been on the black list for conscript labour. I hope the hon. member can give me a reply to that—I am sorry to labour the point. After a few days these Meru labourers were put on excavation work for road making, and kept on that for three days. Excavation work is defined by the Labour Department of the country—and you must regard them as experts—as heavy labour. The consequence was that on the fourth day these Meru, and in my opinion quite rightly, refused to perform this heavy task at the pay they were receiving, and a demonstration took place. They were arrested, and charged with unlawful assembly. I should like the hon. and learned Attorney General to explain to me why it was an unlawful assembly to make a lawful protest. Of course he will say that violence was

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feared. Of course you can provoke violence by your own unlawful acts, but it does not seem to me, although technically they might be guilty, fair that these men should have been arrested and treated as they were. In the course of this unlawful assembly a shot or shots were fired (fortunately with less disastrous results than when the gallant major fired at natives before!), and they were hailed before the magistrate and given, I think, a month's imprisonment. They did the imprisonment, and said that under no circumstances would they go back to this particular farm.

This labour must have had a very legitimate grievance, because I know the Meru tribe, and they are not a vindictive or difficult tribe, and would never take up an attitude like this unless they had a very strong feeling about the matter. And what was the result? They were again hailed before the same magistrate, which I contend was a highly improper thing to have done. He was the magistrate who had already convicted them, and I say that it was not justice to bring them before the same magistrate. My hon. and learned friend may reply that there is a shortage of magistrates. That may be so, although I think there are at least two in Nairobi at the moment. The Labour Department very properly took up the cudgels on behalf of the natives, but in spite of this they were given some weeks in a detention camp where no doubt at the moment they are languishing. But I do contend that if they were put in the dock this gentleman who gave the unlawful orders should also have been put in the dock because if they were guilty he was also guilty of making them do work which was outside their contract. Would anyone seriously contend that if these natives had gone to this gentleman and said "We want another type of food" it would have been a reasonable request since they had already agreed to the food he was supplying? I do say that you must not make distinctions where the law is concerned. I have brought up this point, it is a distasteful matter, because I am convinced that European settlement in this country will be jeopardized unless we give the natives a fair deal. That has been my opinion in this country for the last 22

years. As it happens, about 17 or 18 years ago I was myself before a commission of inquiry because I was accused of being unsympathetic with the settlers of the country. I say now that I am not unsympathetic to the settlers; I am not anti-settler but I am anti-bad-settler, and that is the reason why I bring this matter up to-day. Unless the native can be assured that he will get a square deal and elementary justice, then I do submit we are inevitably condemned in this country.

There are just two small points. I should like to support the hon. Arab Member for the Coast in what he said about the suspicions of the Arabs. No doubt that suspicion is there, and that suspicion is increasing. I do implore Government to become alive to that fact. I have two or three times questioned the hon. Financial Secretary on the Arab terms of service, and I have here a letter from Arab clerks in Mombasa in which they contend that their petitions to Government are not attended to. I think it is a very stupid policy to alienate people who have been so friendly to us in the past. The only other point I wish to make is a very small one on which I want Government to take action. I have had several applications from various people that Government should open up the coast north of Mombasa for those ten miles to European visitors from up-country. At the present moment Malindi hotels are so full that there is no more accommodation, and a number of people living in the Highlands who are trying to get a well-earned leave to the coast cannot do so because they cannot make use of the hotels within ten miles of Mombasa. It does seem a pity, when the situation has improved so much in the Far East and Libya that these vexatious restrictions should still exist. The other point is fishing at the coast. As Your Excellency knows, I and others took up the question of the native fishermen at Port Reitz, and I am glad to see they have got a certain amount of compensation, but still they are not allowed to fish in certain tidal waters, although the Zanzibar fishermen can fish wherever they like. At a time when there is a great food shortage in Kenya, it is an unwise policy to restrict these fishermen, who are harmless people, to a narrow stretch of

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water, and I hope Your Excellency will bring pressure to bear on the authorities not only for the sake of the fishermen but for everybody in this country who consumes fish to allow these men access to their old fishing grounds.

MR. SHAMSUD-DIN: Your Excellency, as no one seems to wish to speak now, I suggest that I move that the question be put.

MR. HARRISON: Your Excellency, I have very little to say at this stage of the debate, but one or two points have been raised with regard to legal matters and I am in some difficulty in replying. The reason is this. The hon. Member for the Coast has brought to the notice of Council two cases which occurred recently in the Limuru district. These cases have not escaped the notice of my department and I have taken steps which may result in the cases coming up for review before the Supreme Court in the near future. Under those circumstances, I personally feel precluded from expressing any opinion as to whether the decisions in those two cases were just or unjust. As far as I am concerned, the matter is *sub judice*, so I cannot get up and tell my hon. friend anything about the cases, for the simple reason that my application has not yet been heard and it may be rejected, though I should be surprised if it was. There is one other very small point that has been raised and though it is not a legal point I would like to deal with it. For instance, one hon. member mentioned that houses for natives could be built if only the material was forthcoming. I would like to say here and now that not only must material be forthcoming, but the Services must be prepared to give up a certain number of artisans who are at present all being sent to the Services or to essential undertakings such as the Public Works Department. I am not joining issue with the hon. member as to whether they should or should not be built, but I wish to correct a misapprehension that materials only are wanted. In addition to that we want sacrifice on the part of the Services in not accepting, shall we say, or in releasing certain artisans who would be necessary for the building of those houses. I do not think that there is any other point

upon which I can usefully inform the Council with regard to my department and the various matters with which I am concerned as very few questions have been asked.

MR. SHAMSUD-DIN: Your Excellency, on a point of order, I do not like to interrupt the last speaker, but Your Excellency has ruled that a member has no right to speak after he has seconded a motion or an amendment. The only time that he is entitled to speak is when he seconds a motion or an amendment. On that account our late friend Mr. Isher Dass was once ruled out by Your Excellency. I do not know whether that applies to everybody.

HIS EXCELLENCY: I am not quite clear as to the point on which the hon. member wants a ruling. If he will state it to me clearly on paper I will go into it. The main point, I think, is quite clear; it has always been the practice of this Council that a member who seconds a substantive motion formally by rising in his chair reserves to himself the full right to address the house on a later occasion, and that is what the hon. Attorney General has done at the present moment. There is no question arising in this debate of the right of a seconder to an amendment to speak again.

If no other member wishes to address Council, in accordance with the usual practice I will call on the hon. mover to reply.

MRS. WATKINS (Kiambu): Your Excellency, it is difficult to speak when it is so near to 1 o'clock, one ought to be allowed to speak to-morrow morning.

HIS EXCELLENCY: I shall be obliged if the hon. member will start now. Perhaps she has been misled by the time on the clock in the hall; it is really only a quarter to one!

MRS. WATKINS: Your Excellency, in rising to-day I would like to confine myself to present problems that have to be solved during this war and I must leave to others the post-war problems and their solutions which I know they have in preparation. I do not think there is anything more important in front of us at the present moment than production. A little time ago defence was our main preoccupation. Now, thanks to the fine work of our armies in the field, that

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the problem is receding ever further from us and we are faced with the realization that production is our contribution to the defence of the Empire and to the destruction of the Axis powers. I want to know, are we satisfied with our production? Your Excellency said that our production was very much in the minds of the people at home and you also admitted in your Communication from the Chair that you were rather disappointed with certain aspects of it, notably in the case of certain results. I would go one further on behalf of the farmers, and say we are not only disappointed with present results but with the preparations we are able to make for the next harvest; and very largely are we disappointed because we, to use a slang term, are "hung up" for labour. The labour situation is a very serious one. I see one way of increasing production very considerably without any further inroads on native labour. I will deal with that in a minute or two.

We have heard that Your Excellency has asked for certain farmers to be released from the Forces and sent back and we welcome that very much indeed, but there is one other point that I want to deal with rather extensively; that is the indigenous labour of this country. The native administration depends very largely on kipandes and it is obvious that that system is the main factor in the control of African manpower. That may be a platitude, but Your Excellency yourself said that it is sometimes necessary to stress the obvious. Any kipande system is nothing more than the name and address that we all of us have. We all take a name and address as a matter of course; we do not think about it; I do not even know of any law in Britain that enforces a name and address upon us, but I suppose the implication that we have got to have one is there because we have to fill it in on different forms throughout our lives, from birth to death inclusive, and I presume that we are all meant by law to have a name and address. If that is so for the white man, it is equally necessary for the native. It seems to me that we have got tangled up in our ideas about this system. No administration in any civilized country can continue without the identification of

the individual citizens that compose the State, and yet here we are drifting away from the only system that is giving that to us. It is not so much a breakdown in the system. It is like a widening leak, like trying to hold water in a sieve, to retain native identification within the present registration system, and it is making the labour on the farms extremely difficult. If the labour on the farms is extremely difficult, gradually production goes down, and that is why I am taking the time of the Council to-day.

Before the last war we managed out here without any kind of native kipande or anything else. Government instituted taxation by hut count and the farmers managed very well by taking the law into their own hands on their own lands. A couple of us old stagers who were farming then, and are here now, will remember that those days had their points. Now the situation is getting almost beyond our control. In the last war we discovered we could not manage without native identification. A fantastic situation arose then in which the district commissioner who was in charge of the Carrier Corps had 250,000 men on his books without any kind of identification at all, a situation that was so extreme that something had to be done, and the finger print system was brought in. The kipande system was born of it at the end of the war. There was, however, one unfortunate thing about it and that was it was based on finger prints, and so ever since there has been a kind of idea in the minds of Government officials and also of House of Commons critics that something unfair was happening to the natives; we were identifying them in the same way as we identify criminals at home, and again and again it has been attacked. One Chief Native Commissioner tried to hand it all over to the Police, lock, stock and barrel, and nearly crashed the system before the public knew anything about it. There have been other attacks, but the most astonishing of all is the whittling away from within that is happening now. It is a well-known fact among the Luo and other races that if a boy does not want to have a kipande he goes down to the coast, puts on a white kanzu and says he is a Swahili, and then he does not have to have a kipande. The native has

[Mrs. Watkins] always thought at certain times of his career that it would be more convenient to disappear into a pool of anonymity and not be known. Now it means going down to the coast, as I have just said, putting on a white kanzu and saying he is a Swahili and getting away with it. The other leak is the military, but before I deal with that, I would say that if the Swahili thinks it is derogatory to have a kipande it would be very much better to put us all on to the kipande system when we come into this country than to allow a native to think it is derogatory and then to have a privileged tribe, which does not have a kipande. The second difficulty is that the military have for some years now been allowed to be a law unto themselves. We know that Your Excellency has tried to prevent the military taking on unsigned-off boys. That is a great help, but the greatest help of all would be if they had to report boys they were taking on. They do not have to report now, and therefore any boy can leave a farm now and cannot be traced with ease. The Police say, quite honestly, it is quite impossible to trace them because they may have been taken on by the military and there is no report. That is a very difficult situation. I do suggest that the military should be asked to conform with the ordinary laws of this country and send in a report to the Labour Office when they have taken on boys. That seems to me extremely important.

The next point deals with boys leaving their employment. Our Chairman of the Elected Members Organization has put forward for some years an excellent scheme for having a land army. I need not say how much we would welcome it. My constituents have told me that if that is not possible they would like, as it were, to get ahead of the strikes by forming a board with the Chief Native Commissioner in the chair, two native chiefs and two settlers to see what new system, what new arrangement, what higher rates of pay possibly, we could offer the natives before they strike, because we do not like individually, man by man, farm by farm, employer by employer, being put in the position of having to raise wages because we are forced to. I do not think for one

moment that that suggestion is half as good as our Chairman's, but it might be better than the present system. We would willingly accept priorities in labour; we would even accept rationing of labour, most particularly cutting out luxury labour. We would like to cut out, through rationing, those who run large flower gardens—some employers have six, twelve or eighteen flower gardeners, we would like to cut out golf caddies. Here I am afraid I am treading on delicate ground as I am faced by rows of golfers and I do not play golf myself! But I do submit that if I go out to Karen Club I usually see fourteen or more perfectly strong, healthy men hanging around that club the whole afternoon hoping to earn two days' pay by one hour's caddying. That is not right in war time when the producer is short of labour. We would also like, through rationing, to cut down household servants to one servant per adult in the house. If you did that individually servants would leave and go somewhere else; but if everybody did it the servants would not leave you. There is another point, I wish Your Excellency would give powers to labour officers and district commissioners to clean up the townships, notably Nairobi. I should like any of you going back at the lunch-hour to-day to notice the amount of labour, able-bodied men, hanging around outside the District Commissioner's office waiting for a job that is all pay and no effort; waiting for two, three or five months. A cook recently in my employ left me last May; he has been sitting outside the District Commissioner's office ever since. No power on earth could move him as long as he has paid his hut tax and can persuade one of your cooks to feed him. That is the position.

HIS EXCELLENCY: I do not wish to interrupt the hon. member, but I expect she has some more she wishes to say?

MRS. WATKINS: About half an hour.

HIS EXCELLENCY: In that case I will adjourn Council until 10 o'clock tomorrow morning.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 18th November, 1942.

Wednesday, 18th November, 1942

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 18th November, 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 17th November, 1942, were confirmed.

PAPERS LAID

The following paper was laid on the table by MR. RENNIE:

Report of committee appointed to inquire into and report whether the essentials of life are beyond the economic capacity of officers of the Government and of Kenya and Uganda Railways and Harbours (European, Asian and African) in the lower grades.

ORAL ANSWERS TO QUESTIONS

LORD FRANCIS SCOTT: Your Excellency, I sent in a question at least two months ago. Can I have an answer to it soon?

HIS EXCELLENCY: If the hon. member will let the Clerk know the subject I will have it looked into.

LORD FRANCIS SCOTT: I have done that on more than one occasion.

DRAFT ESTIMATES, 1943

The debate on the motion to refer the Draft Estimates, 1943, to the Standing Finance Committee was resumed.

MRS. WATKINS: Your Excellency: zero hour for the second time! I will sum up what I had to say yesterday very briefly indeed. I am dealing almost entirely with present problems and not with post-war problems. At this time production is the chief item on our programme; manpower is the chief factor in production, and the chief factor in controlling production is the possibility of the identification of each individual citizen of the State, and the only way of identifying the black citizen, the native citizen, is by the kipande system. I maintain that we are letting the kipande system slip; we are letting it slip to such

an extent that it is now scarcely operative. I do not want to give Your Excellency, or anybody else here, the impression that the farmer, the producer, is protesting that his labour, even his best labour, is taken for urgent military requirements. We know that has got to be so, but we do not think that there is any advantage to the military in being allowed to stand out of the ordinary civil law of having to report what labour it takes. You have to make that report when you are taking white people into the army and there is no reason why you should not have to do it when you are taking black people into the army, either individually as army servants or into the army as a whole unit. Nor do I want to give Your Excellency the impression that we are obsessed with the kipande system; we merely say that we believe that identification for every individual is necessary in war-time and that if we do not like the present system we must substitute a new one before we do away with the present one or allow it to lapse. In the words of Old Bill, "If you know of a better 'ole go to it," but the picture depicts him sticking to his original 'ole in his emergency. So I submit to Your Excellency that we ought to stand by our present kipande system for the duration. It is also noteworthy that nobody has suggested—even our worst critics in the House of Commons—any good alternative to that system. That I think is a very strong point.

What is the suggestion arising from all this? It is that we could infinitely improve our production if we insisted on the implementing of our registration system; if we rationed ourselves with our labour, both in our households and accepted rationing for our farms, if we cut out luxury labour altogether, and if we applied conscription to the idlers in the townships as well as to the backward members of the Reserves. It is a very curious thing, that we seem quite determined to get an all-out war effort from each individual of our own race, but when it comes to tackling the native we seem to become diffident about it. We are extraordinarily weak. That is not only by the idlers in the townships, but it is countryside. I will give you one example, from the countryside which I

[Mrs. Watkins] represent, which is extremely bad for the natives, let alone the war effort. I do not know whether it has come to Your Excellency's notice, or anybody else's here, but the Wakikuyu in the Nairobi district have issued a kind of edict that the Wakikuyu do not jembe. They are quite shrewd enough to know that if they do not jembe a coffee shamba there will soon be no pruning, which they rather like, and also there will be no picking, which is very profitable. So while they refuse to do any jembeing, they send their women down to do it, and the women come along, often with babies on their backs, covered with flies and dirt, soon to be covered with a film of dust from the shamba. Is that good for the race, Your Excellency? I submit it is not at all good. What is the Government doing to stop that? Well, of course, what the Government could do would be to say "Bring these Wakikuyu who had signed on for coffee before the District Commissioner," and when they were brought and still refused to use the jembe, they should be handed over to some agricultural officer who really had a job of work to do and they should be put on erosion work in their own reserves. As it is they may get two days in a detention camp, or three days, or they may not, and the private employer is told to go slow with the Wakikuyu; to find the work they prefer and get the rest done as best you can, which means by women workers. Some of us have got a few Luo down to do the work that this herrenvolk despise. But parenthetically, getting these Luo reminds me of a game we played in our youth called "Tom Tiddlers Ground," with the Provincial Commissioner, Nyanza, as a very agile Tom Tiddler, so most of us have to rely on women for the Kiambu area. Few, I suppose, in this Council have time to have conversations with the Kikuyu and Kavirondo women themselves, nor will women talk so freely to you men as to us women, but from the conversations I have had with them I realize that we have immeasurably added to the already great burden these women have carried right down the centuries. They intimate that when they have jembed their own shambas in the reserve they now face the enormous acreage of

Kiambu to jembe. But there is always the alternative for the women: the alternative of the easier life of the towns. I would ask Your Excellency one question: What of the race? What of the race? I would like to ask the Chief Native Commissioner. We are very diligent about interfering with the rights of the man in the street; what about the women on the street. Your Excellency? and our responsibility for putting her there in ever increasing numbers. That is a question I would like to ask in this Council.

Another sign of our weakness is the detention camp. I think the detainees should be handed over for something a bit more deterrent than just swishing grass. They should be handed over to the Agricultural Department and put on to erosion work, which is fairly heavy work, in the reserves, or some other public work under some man who is keen to get it done. But the present detainees' work consists of swishing grass, much as one swishes it while considering a problem when walking along a road. The natives laugh at the camps, as everyone in this Council would laugh if they had a *simani* fine imposed on them with all the majesty of the law. The detention is quite inadequate. The farmer can do nothing; the Government will do nothing. But I submit that this weakness is hurting not only the war effort; it is hurting the whole race of Wakikuyu. Any pressure we bring to bear on them is transferred to the women.

Another sidelight on something that is being adverse to production at the moment is the education we are giving our natives. It is an indictment on our education when it prevents natives working with their hands. They but assimilate what we give out, or perhaps we prepare the ground in such a way that the weeds are self-sown. I do not know how it happened, but I do know we must have quite a new conception of native education after the war, an education and training to fit his needs, his real needs, within and outside the reserve, not just an education flapping overhead trying to secure itself by a few clerkships here and there. I would like to read you a few lines from the Police Inquiry Committee report: "The policy

[Mrs. Watkins] of recruiting literates should be pursued with great caution. . . . The latter (the literate African) is less amenable to discipline, and is reluctant to undertake the menial tasks which sometimes fall to the lot of the ordinary constables." Your Excellency, every farmer has known that for the past ten years; every farmer has heard this statement by a native: "I can read and write, Bwana. Of course, I could not till the ground; I could not cook; I could not drive an ox; I could not milk a cow. You see, I can read and write." We have all known it, but it is impressive to see it in black and white in the police report. Well, perhaps that is approaching a post-war problem because it is a change in the education of the native, so I will leave it now.

I want to tackle one other point, that might come under the heading of conservation of labour, and it affects the Railways and Harbours. I was coming down on the Uganda mail train the other day, quite early in the morning—I think the train arrives in Nairobi at 8 o'clock—and I passed at a station a truckload of natives, an open truck with no protection whatever, in the pouring rain, packed with Luo. They were sheltering under *karais*; they were singing, but it was not very good for them. I sent what I think was a rather mild and pleasant note to my hon. acquaintance the General Manager of the Railways, but it must have displeased him because he replied, one, that there were no covered trucks available, and two, that tarpaulins were either too expensive or not available; I forget which. I can quite believe the statement about the trucks, but regarding the tarpaulins I would direct Government's attention to the shops where I deal every day in the town where there are plentiful supplies of tarpaulins. If it is a matter of expense I would direct the hon. General Manager's attention to the eminently satisfactory Railway budgets of the last few years. I should also like to draw his attention to the fact that if it had been cement there would have been no question of moving cement on a doubtful morning without any protection. Everyone knows that the cement would

have been useless after exposure to the rain and I submit to you, Your Excellency, that the natives are every bit as valuable as cement. I think the inference from his letter was that this was not my affair. With that I cannot agree; it was within the constituency and I maintain that anybody who takes office in this Council has a direct responsibility towards the native races of this country. I would like to add right now I was accused of inaccuracy on my statement about these natives, but when I first challenged this I got no reply, and then it transpired that I stated it was Kikuyu Station when it was really Kabete, but there was no challenge from the Railways as to the real facts of the case, that it was a pouring morning, that it was an open truck and that the Luo were out in the rain; that they are very partial to pneumonia; that it is war time and we have got to conserve labour, even if we do not consider any other item.

I cannot leave this labour side of the question without expressing our very great appreciation of some of our Provincial Commissioners, District Commissioners, Labour Officers and our District Officers, and particularly perhaps the very overworked Labour Officer at Nairobi. They are doing a tremendous amount of extra work for us farmers and we appreciate it and would like to say "thank you." I do deprecate one thing, and that is the custom in this country which has grown up that you have got to ask the district commissioner to serve on every committee in his district, and possibly to take the chair at most of them. It means he is tied to his desk and to the committee room too much of the time. Of course the trust and confidence we place in our district commissioners is simply touching. Have you noticed that police message the other day: "Wanted for murder—Wanted for murder—three desperate men in a car, all armed; please inform the Police or hand over to the District Commissioner!" It seems to me that that is the kind of duty that is hardly compatible with those of an ordinary district commissioner.

There is one more point, leaving labour and coming more to the produc-

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 tion side. I said yesterday that there was one way of improving production without in any way making further inroads on native labour, and that is by the use of Italian prisoners of war. They are skilled agriculturalists for the most part and nearly all craftsmen. The statement is being made and frequently repeated, and I wish to contradict it categorically in this Council that prisoners of war are not willing to come out and that the camp commandants are not encouraging them. That statement was made this last month quite definitely to a municipal councillor who asked in connexion with certain buildings which had to be put up, in Your Excellency's garden, I understand, for the Services, whether they could not have Italian artisans or workmen, and he got this discouraging answer. I have had some experience in the matter of prisoners of war and I should like everybody in this Council to be aware that the prisoners are quite keen to work, but they are not keen on making military roads and repairing military lorries because of their families in Italy. They are born agriculturalists and look at the land with the eyes of peasants. They work with the hands of craftsmen and it is a pleasure to see them. I have six on my own place. We wanted to have pigs but I had no pigsties and had no material. I said, "I want pigsties but I have no material." They said, "We will get some stones," and I said, "Can you build sties out of that," and they said, "We can build palazzo." And now we have sties "Palazzo Porco!" and the pigs are all very well, and pig production in our district is going up by leaps and bounds.

I suggest that in the Kiambu constituency, which is the only one that I can speak for, there are a good many places like the Kiambu boma, the Tigonji boma, Dagoretti—fertile, with water, etc., all there. Why not have a camp for six or eight Italians in each of these places? The prisoners of war have only got to be seen twice a day by the police; there should be an Italian cook to look after them; and let these men do two things: firstly, create a really large market garden out there for Government purposes and secondly, be a small building unit for putting up sties or other

things to help with increased production in that district. It could be done quite easily and it would enormously increase production. Every pig you bring to bacon weight keeps you in meat for one year given weight per weight, 200 lbs. of meat is the average of what a European eats a year and pigs reach that weight in six months from weaning. So with this shortage ahead, I suggest that there ought to be a pig drive and we ought to use our Italian prisoners. The first thing these Italians would have to do would be to put up their own bandas. They could get market gardens going, and there should be a pig drive all through the country and make practically everybody keep two pigs. It could be done mostly on the refuse of each farm and household and it would enormously help. As far as building goes, I would like to deal with the details of that side of it a little later.

I have one further remark to make touching on production, and that is I was disappointed in the hon. Chief Secretary's reply to me when he said that Government had no knowledge that receivers were training the natives to steal and therefore Government could not cancel receivers' licences. Your Excellency, I am sorry the Government has no knowledge of it. The courts have a full record of our case; the courts have full records of those cases which the magistrate at Mombasa has been protesting about. If we could only get receivers' licences cancelled on conviction we could stop most of this thieving and pilfering. I was told by someone in the Legal Department that we all share the same risk as those whose things are being stolen and passed to receivers. That is true, Your Excellency, but you do not share it equally with us who produce maize and coffee. This is the kind of risk we are all taking. I lost two tons of coffee last year and I lost two or three tons that year the theft was proved by what was apparently a miracle, and that was that a coffee taster can prove from which farm coffee comes out of all the hundreds of farms in this country. The court laughed him to scorn but he proved it. He proved our case, and the natives who had been paid to take that coffee off our farm by a receiver got twenty-one months and

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 twenty-three months, and the Indian receiver got five months—very nicely timed for the next season when he started in business again with his licence intact. Coffee thieving is still going on and we can do nothing. Meetings in Ruiru, Kiambu and Limuru have unanimously asked me to press again that receivers' licences should be cancelled. Land sales—we are very distressed about one thing. There has been lately going round our district a big foreign syndicate buying up some of the most valuable land in the district. I suppose we may be partial or interested, but we people think that Kiambu has some of the most valuable land in the country. We are disturbed that land sales should be going on, and we realize, of course, that if a very big price is offered to a private individual who may be in debt to the Land Bank or may wish to educate his children, it is a very great temptation. We do say there is a danger to the public in foreign syndicates. We are not quite certain of the position, whether they are only Swedes or whether they include Germans or anything else, but we do think there ought to be some check on land sales during the war, and I have been instructed to ask that there should be a small board composed of the hon. Commissioner of Lands and Settlement, the Director of the Land Bank and perhaps one or two settlers, and that without the consent of that board no land sale shall be considered as having been completed. I would like to add that we are frightened of this for two reasons. One is that they are foreigners. I do not think any of us mind a Free Frenchman, but we want to know which foreigners. The other thing is syndicates. We are very frightened of syndicates. We are very frightened of these and of monopolies because the tendency is for these syndicates to mop us up and turn the individuals, all the small business-men and farmers into employees, and we are frightened because of what we have seen happen in England when the village shops went out of business to the co-operative stores, and we are hoping it will not happen here. We want it watched most particularly because it is apparently a foreign syndicate.

There is one point more. I had a rather unsatisfactory answer from the hon. Director of Veterinary Services the other day that he was going to consider humane killers for pigs. I hope that it will go a little further than consideration, and perhaps if he himself saw the way some of our pigs are killed he would do something. They are hung up in rows and watch each other being killed. We get rather fond of our stock when we are breeding them, and I personally refused to obey an order to send my pigs to a certain butchery because I knew there was no Government inspection of it. The Controller very kindly wrote to me personally and allowed me to send all my pigs to another butchery under Government control. But if you give orders to people to send their stock to certain butcheries, those butcheries ought to be under strict Government control.

I now come to the Police report. Quite frankly, I am dismayed with it. I am dismayed with one stark fact. I am not going to deal with all the other facts, such as whether askaris should have hip pockets, and so on, nor with any of those minor details which seem to have taken up quite a lot of their time, but I am talking simply of the one stark fact that there are men in this country with nearly five years service in the Police and they are drawing anything between Sh. 419 and Sh. 453 a month. The rest goes in rent; forced levy; the widows' and orphans; also a forced levy, a sinking fund in case any get into debt (and I think most of them must be in debt); yet another forced levy; and I believe there is also a forced levy for sports. The disastrous fact remains that we have got men on Sh. 450 roughly, married men with families. If you consider for a moment bribery and corruption, I am sure Your Excellency visualizes it as notes passing across a table, and you know not one in a hundred would accept it, but I can assure Your Excellency that that is not the way it happens in Kenya. When a man is married the bribe nearly always comes via his wife. I have been an official's wife in out-districts and I know that of which I speak. A beautiful amber necklace appears on your table one day from a Somali cattle dealer who wishes your husband's eyes

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 shut, or just at the moment when your interests and activities have our-run your energies a car is placed at your disposal for a month, no questions asked. I was on an extremely generous rate of pay—or rather my husband was—but the temptation was always there, and I am quite certain I should not have withstood that temptation if Government had been mean enough to pay my husband Sh. 450 a month. That is the position we are faced with. Now, I am going to bore this Council with the point of view of Mrs. Policeman, and I am going to give you a few facts of what that measly budget means to her. It means that in the house she can only have a boy on shamba rate of pay. That means she is doing all the cooking. That is not hard if you have got a nice kitchen such as one sees in most of the modern houses in Nairobi, but such a house and such a kitchen is not for Mrs. Policeman. She stands outside in a tin shanty, her eyes streaming with smoke. She cannot afford saucepans with handles, so she has to use filthy native sufumas without handles. She has to do that all hours of the day and night because a policeman's hours are not regular. She probably has to do all the sewing for the family, and a sewing machine pushes them into debt. If she wants to replace a milk jug she would have to cut down on the shoe repairs. A broken main-spring to a watch is a major disaster for the family. Your Excellency, it is not good enough. I am distressed beyond measure that we should put up with this rate of pay for our policemen. I am told the Commissioner of Police, with whom I have not spoken, is equally distressed. If Government's reply is that policemen should not marry, I would entirely endorse that for the first two years, but after that I would hotly dispute it because after all the thing the Empire needs most to-day is babies. It is a kind of production we do not often mention in this Council, the kind of production that will have to concern the British Empire much more in the near future. We shall have to bear much more of the expense publicly than we are doing at present, and anyway for the moment we need not penalize young couples and we need not try and forbid

marriages. After two years a man in Government service has a right to get married and a duty to have children. Anything we do contrary to that is directly contrary to the interests of the Empire. I do hope that you will consider that Police Report very sincerely and that you will see your way to increase the pay of our junior men.

I will support the hon. Member for Arab interests in his plea for pensions and other matters. I daresay he has taken the thing as personal to the Arabs, but I can, as a farmer, assure him that that sort of treatment from Government is not personal; it is what we have, as farmers, been suffering from all the time. I think the thing is not in any way personal to the Arabs but should have some attention paid to it.

Coming to the Medical Estimates, I have been asked to press for hospital insurance of some kind for the white population. I say hospital insurance because I believe down here it cannot include medical insurance. We wish it could but we would be content with hospital insurance. The hon. Director of Medical Services has intimated that a committee is to be appointed, and I think I heard Your Excellency aright that you were considering taking the matter up in the near future. I would ask that one layman be put on the committee or one laywoman. No, I am not asking for myself! I am asking for a representative of the women, the President of the Women's League who is also in the district, to be put on to that Committee to represent women's interests, because it is the women and children that are very largely concerned in any hospital insurance. I need not say any more about this except that I hope to see insurance reflected in next year's Estimates. I think that the report quoted by Your Excellency that mosquitoes in Mombasa were to all intents and purposes non est is perhaps a trifle optimistic, considering the reports I have had from various members of the family and others serving down there with the Forces. I asked a citizen of Mombasa yesterday how that came about and he said, "That's quite different; those are military mosquitoes." Of course, I had no idea there was any difference between

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 a military and civil mosquito! The fact remains that the mosquitoes that give you fever in Mombasa, whether they are military or civil, are, as far as I know, still rampant in places. I only hope that the report Your Excellency got is more recent than mine and more accurate. With regard to venereal disease, I wish I could regard it as lightly as the hon. Director of Medical Services seems to. The other day he said the incidence was not as great as he expected. I wonder what he expected. Your Excellency, don't you? Are the military equally satisfied? I wonder on what figures he is basing that computation, or that—I would not like to call it complacency—but that satisfaction, because we do not feel at all happy about it. Of course, I have not got any figures; we have only common knowledge and common knowledge, like a little knowledge, may be a dangerous thing, but we do feel that the incidence is absolutely enormous and that adequate steps should be taken, and that we as representing the people of Kenya should have the right to know what those steps are. The situation is extremely serious.

Then I want to put before Council that there is something very wrong with the native dispensary here in Nairobi. It affects the surrounding districts as well as Nairobi. I have known that dispensary for some years now. I do not say there has been no improvement since the days when it was a hospital and everything from the operating theatre ran through an open drain to the street. We think there has been improvement, but I must say I have never seen such congestion or such confusion in all the short time I have been out here—which is nearly thirty years now—as there is to-day. I am quite certain that the hon. Director of Medical Services makes very efficient and periodical inspections. I am also sure that during those inspections he cannot imagine what I have got to grouse about, and I am reminded of a little story that comes from a neighbouring territory of another Director of Medical Service who was inspecting his hospital, and when he arrived at the inspection a doctor met him at the door and suddenly, while they were exchange-

ing greetings, a native orderly rushed up with an enormous dispensary bottle and the Director of Medical Service was rather surprised, rather taken aback, and said, "Hallo, what is this?" The orderly said, "I heard the Bwana Doc-tal say yesterday you would need an awful lot of eye-wash, and here it is!" I do not know of course whether that is likely to happen here; perhaps not; perhaps the eyewash would not be sufficient to cover it, but I do think there may be something like that at the bottom of it. Your Excellency will ask what experience I have to speak in this manner in public about what is after all a Government Department. That experience has been gained over a number of years now. I can remember the time when we had a doctor staying on our farm attending our little private dispensary, where we dealt with 2,000 cases a year; nothing very much, and when the boys came in very bad with venereal disease and consumption, or something rather drastic, he would say, "Send these boys to Nairobi." So we forwarded them and they went without any comment, and all except one case came back after having been given a dose of salts or what you will, and that was that. All except one—that one was kept for a fortnight to be cured of consumption, and when he came back there seemed to be some muddle, he was a girl! I thought that perhaps the Wakikuyu would not take a different view, for a nice healthy young girl is worth cattle, while a sickly boy is merely an expense. But Your Excellency knows what difficult things parents are, and they seemed to be distressed, and blamed me for the muddle.

There seems to be some congestion of work at the Dispensary and it is not possible for the doctors to deal with it. That is why we are concerned about this. Some of our boys come back with very badly damaged jaws after having had a tooth taken out by learners, and I discovered it was the charming practice of the Kikuyu to practise on the Luo, and of the Luo to practise on the Kikuyu. Well, Your Excellency probably has no enemies in this country; I have several very good ones and would hate them to practise on my teeth. But more than that I was greatly shocked when I

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 took in the victim of an accident the other day. I brought him in some miles. He had very bad head injuries and was bleeding from the mouth. A very pleasant, polite and kind superintendent met me at the door, but he did not seem to be able to get a stretcher, and when he did at last get one he could not find any stretcher-bearers, so we had to get the help of a few patients. I was going to help to get the new patient out but was asked to stand aside. I saw him out; they got him out quite quickly by pulling him out by the heels. The superintendent himself had to help the patients with the stretcher. When the stretcher-bearers, or rather patients, picked it up they tried to walk off each in the opposite direction, which was not very helpful. At last they got him on to the doctor's table and I wanted to know the verdict. I noticed him only disturbing the clothes and not doing anything with the badly injured head. I said "Can I get some tea?" He said, "No, we are only searching for his kipanjo so as to fill in a form." I said, "This man has travelled miles after a terrible accident, aren't you going to do anything at all?" He said, "Nothing at all. He will be sent to hospital; it is only a matter of waiting while till the next time the ambulance goes up." This is the capital of the country, and for a big native dispensary to take that line about a case is to me unthinkable. I know of course that a case like that should go to hospital, but I also know that skilled attention after a street accident, if given promptly, may save a life. I was very angry, and as I say I was also very worried. The doctor came up and said, "Do not be angry. I have seen 283 cases yesterday and 287 the day before and I cannot do any more." It seems to me iniquitous to ask a doctor to see one patient every two minutes during a 91 hour day, which is what it works out at. That is why I say that the whole department wants reorganization from the top downwards. That is rather a drastic and aggressive thing to say, but I have been out here three decades now and in those three decades I have seen this happen several times. I have seen a first-class surgeon and an eminent bacteriologist transferred to that office on the hill or

its counterpart. I have seen a very keen health officer, the present occupant, taken from the work at which he was a specialist and promoted to an office room. We have not got an administrator but we have lost a scientist. I do not think the present occupant of the post is anything more than a victim of the system. I think we have lost his work; we have not got an administrator. I think that in the early stages of the Medical Service out here there should be an administrative side into which doctors should go, if they wished to. There should be an administrative side, and there should be a surgeons' side or other specialists' side, but the administrative side should not be put at the head of all of them but equal to them. After all, you do not say that the reward of a poet laureate is that he has got to be head of the Public Works Department. If you did say that you would get good copy for a Gilbert and Sullivan opera but not good work for the Public Works Department.

With regard to native maternity provision, I am glad to see that a certain amount is being done about it. I was amazed at the long view, shall I say, that the hon. Director of Medical Services took last year when I was asking for a large increase for native maternity. His reply, as far as I can remember, was that the proper place for a woman to have a baby is in her own home. That is what he wishes to do with the Kikuyu. I have an idea that it will be some little time before the Kikuyu have as good a home as the officials have on the Hill, and yet when a baby is going to be born into that home every doctor will say it is better to have it in a nursing home and not in your own home. Yet the Director of Medical Services wishes us to wait until the Kikuyu homes are fit for babies to arrive in. It seems to me rather too long a vision to take.

How long. Your Excellency, I cannot tell you with what relief I heard in your communication from the Chair that you were going to take this up personally. The delay has been fantastic. I know something about the priority machinery of this country. We were able to get tile-making machinery concentrated with the one really good tile-maker, so it

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 appears that no bricks could be made for Government or the military. They have been made. So imagine my horror, after six months, to find that the people responsible for native houses preferred to wait for tiles to be imported from elsewhere when there was no shipping. That is the sort of delay we are dealing with. We heard yesterday that it was not only materials we were lacking; it was artisans. There I differ categorically. We are not lacking artisans. We are keeping 60,000 Italian prisoners of war in this country, at least 20,000 of whom are skilled builders and craftsmen, and we are not using them. Why aren't we using them? Is it because we are afraid that the people who are doing the work at present will be shown up, or because some of the funds will go on strike? What is the reason? I do not know. But I do know that native housing is being hung up; I know that plague and disease are rife in the townships; discontent is rife and rightly so; and this lack of housing is at the bottom of all our strikes. One prisoner of war camp commandant himself told me that he had fifty carpenters in cold storage in one camp alone waiting to go to work for the Public Works Department or for the Municipality, and as they have not been applied for they could not go to work. It is true they do not like working on military projects but they do not mind civil jobs, and they like a little bit of extra food when they are doing hard work.

To sum up the whole of this lengthy speech, I do say we need all our manpower and we must therefore keep a check on the individual native; we ought to clean up our townships; Government Departments such as the Railway should be persuaded to take particular care of the transport of their natives; that we, as farmers, are greatly appreciative of the extra work done by the Provincial Commissioners and District Officers; we wish to criticize as strongly as possible Government's policy of allowing receivers to remain in business; it is suggested that Italians be used for housing; we would like to see foreign syndicates buying up land checked; on the medical

side we would like to see hospital insurance; we are very perturbed about venereal disease; we are deeply shocked by the native dispensary; we are dismayed at the Police Report, and we think that most of these things are urgent.

Just as a final word I would like to say one thing. We come to this Council, bringing to it knowledge and work, and I do not think that there is one of us who does not work at this, and yet nothing seems to get done when we have spoken about it or worked at it. I suppose there is no precedent for doing it or getting it done, but if Your Excellency could initiate that precedent we would be thankful.

MR. KASIM (Western Area): Your Excellency, I think we are in a happy position this year in that we have not to discuss any measure of new taxation, and I congratulate the hon. Financial Secretary for giving us that relief which I hope will be extended during the war. In your communication to this Council, you informed Council that maize from Abyssinia and Madagascar will be available for the Middle East which would relieve—

HIS EXCELLENCY: I do not want to interrupt the hon. member, but I do not remember making any reference in my communication on that subject.

MR. KASIM: It was reported in the local Press that as rice was grown in Madagascar—

HIS EXCELLENCY: I hope the hon. member is not confusing myself with the Press? (Laughter.)

MR. KASIM: No sir, but I hope Government will import some rice from Madagascar for the relief of consumers here. I would like to suggest that there is a great possibility of rice growing in the Tana area on the coast. I remember that forty years ago, when I was at Lamu, in those days rice was grown there, and I hope Government will inaugurate rice growing again.

I would like to congratulate Government for including in the Estimates £50,000 for the relief of the lower paid staff. It will be remembered that twelve months ago I raised this question in Council, but no attention was paid to my

[Mr. Kasim] suggestion. If Government had appointed a committee then we would not have had the strike with which we were faced in Mombasa a few days ago. It is within the memory of all old residents that during the last war the same trouble arose and serious consequences were averted by the timely action of the Colonial Office in appointing a Royal Commission under the Chairmanship of Sir Alfred Lascelles who was sent to this country for the purpose, and on the recommendation of the Commission relief was given to Civil Servants. At the same time I would like to protest that while Government appointed an Indian member to the Fact Finding Committee, no Indian member has been appointed on the second committee, and this has created a doubtful feeling among the Asian community.

Coming to the Estimates, under the Agricultural Department vote on page 34, item 6, there is a decrease of £5,985 for African instructors. I think Government is aware that those instructors have given good service in the interests of agriculture, and I hope they will not be dispensed with. On a point of information I would like to say that Nyanza Province has contributed its quota of manpower to the prosecution of the war. Now it is hoped that steps will be taken to ensure that sufficient manpower is retained for food production. I would like to know from the hon. Director of Agriculture if it is not possible to grow onions in this country on a large scale. At present we are supplied from Tanganyika and from overseas, and I should like to know what is the position regarding spices being grown in this country. The Maize Control is a burning question in this country. According to the new regulations, farmers are allowed to buy squatter maize directly instead of it being marketed through the usual trade channels. At the same time, distribution to the millers is inequitable because those in touch with the Control get the lion's share and others are starved, so that I hope Government will pay attention to this matter.

I have been asked by the Nyanza Indian Merchants Chamber, Kisumu, to bring to Your Excellency's notice that recently a number of native markets

have been created around established townships which have long been gazetted as native produce markets under the Marketing Ordinance. Owing to this step most of the produce which was marketed at the old established gazetted townships is being marketed at these new native markets in the producing areas, and the other traders get very little. I hope Government will inquire into this question, and I also bring to your notice the fact that the Nyanza Indian Merchants Chamber is preparing a memorandum on the subject which I hope when it is received by Government will enable them to inquire thoroughly into the subject. Another grievance which I desire to bring to Your Excellency's notice is that since the appointment of Controllers for different commodities and groups, some of them are unsympathetic towards the non-European interests, and when they prepare formulas for buying produce they do not allow any margin to traders as a reserve. Recently I quoted an instance, that a Controller prepared a formula to buy ground nuts in which he would not allow any profit. Several formulas were sent to him, and after great hesitation he realized that his formula was inefficient. I should like to have an assurance that when these Controllers prepare buying formulas they will consult the Indian Chambers of Commerce. Before completing my comments on agriculture, I should like to say that during this year Nyanza Province has saved the food situation, and I must pay tribute to the efficiency of the agricultural officers and chiefs concerned who have actually worked very hard. They were favoured by good weather conditions, but they actually worked hard, and I express my satisfaction to this Council.

Coming to the Education vote, I associate myself with the hon. Member for the Eastern Area regarding grants-in-aid to Indian schools. In my constituency there is an Indian school at Kijabe run by a few Indian traders with fifty-five scholars. They do not get any assistance, and I hope a grant-in-aid for them will be included in the Education Department vote. I have received a letter from the school committee, in which they say that it is a great economic strain on a few traders to provide for the upkeep of that

[Mr. Kasim] school. Coming to the Lands and Settlement vote, no provision has been made to make the remaining four miles of the road in the Kibos Indian settlement area. I hope the Standing Finance Committee will consider this question, for it is a long standing grievance with the Indian settlers in that area. Coming to the Medical vote, I would like to thank Government for including £500 for the Lake shore reclamation work at Kisumu. I hope, however, that the hon. Director of Medical Services will state when he proposes to provide an Indian nurse at Kisumu.

Coming to the Police vote, the increase in it is welcome and justifiable, and it will be helpful in stamping out crime in the Colony. I hope Government appreciates the excellent services being rendered by the Indian special police force which is composed of young Indian volunteers in the various townships. With regard to the vote for the Pests and Telegraphs Department, it is gratifying to note that £1,700 has been included in the Estimates for Nakuru-Nairobi three channel carrier equipment. I would like to know if it will improve communications between Kisumu and Nairobi, and when the hon. Postmaster General expects new telephone instruments to be able to supply applicants who have been waiting a long time. Coming to the Public Works Department vote, I would like to know if the hon. Director of Public Works is aware that roads in the native reserves in Nyanza need repairing, particularly the Yata-Busia road, Sondu-Oyugis road, both of which need murruming, and when it is proposed to build more houses at Nakuru for Asian Civil Servants. On the Veterinary Department vote, I would like to pay my tribute to the hon. Director of Veterinary Services in organizing the butter industry of the Colony. At the same time I would like to draw his attention to the fact that there are about four million head of cattle in the Colony, and yet we have to depend on our ghee supply from Tanganyika. I hope that the hon. member will explain the reason.

Before resuming my seat I would like to stress the point that traders in my constituency are very much disturbed on

economic grounds, and I hope Government will study their grievances and sympathetically consider the points I have raised in my speech.

Mr. NICOL (Mombasa): Your Excellency, we can congratulate ourselves, I think, on the satisfactory financial position in which we shall end this current year, and it is up to us to see that what surpluses we have are well spent and spent carefully. As the hon. member said, the Estimates for 1943 under existing war time conditions must to a very great extent be in the nature of guess work. For that reason I do not intend to go through the budget item by item, as I shall have ample opportunity of doing that in the course of the Standing Finance Committee's consideration of the Estimates, but I have got one or two points which I should like to touch on, one or two suggestions which I hope will meet with approval and also will be I hope of material help. The first point I am going to touch on is the question of the duties of the resident magistrate in Mombasa. He has a very, very large number of cases to deal with, and I am afraid there is a considerable amount of delay in the magistrate's court, Mombasa, not due to any fault of the magistrate. Besides being a magistrate, he is also Registrar. To ease these difficulties I suggest that Government might appoint a few justices of the peace, giving them third class magisterial powers, and probably a considerable amount of the burden of the magistrate's work today would be taken off his shoulders. I suggest that you could get a suitable number of gentlemen who would be prepared to give say two hours a week or two hours twice a week for these duties. One other suggestion is that the Port Captain or Port Manager might very well be vested with third class magisterial powers to try petty offences which are committed in the dock area. I believe there is precedent for that in that the Port Manager or Port Captain at Colombo has such powers.

I want to say a few words about Price Control. In theory, nobody can deny that the Price Control is sound; there must be some form of control. The hon. member Mr. Paroo has given some reasons why this Control has failed, and

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I propose to give one or two reasons as I see it. First of all, I would like to say this, that the Price Controller has my very deepest sympathy. He has a very difficult job to do, and I know he is working extraordinarily hard. But in practice Price Control has failed as far as this country is concerned and, as I see it, for three reasons: The first reason is that here we try the unique experiment of keeping Price Control in a separate watertight compartment. In England, Price Control is linked with supply, and I think it will be agreed that it is obvious that unless there is some such link as between supply and Price Control and distribution it is impossible for effective control measures to be brought in. The second reason for its failure is that apparently it has been unable to find a satisfactory solution to combating the black market. I believe, I think, I am correct in saying that equally hard penalties can be inflicted on the buyer in the black market as much as on the seller, but I do not think that any case has yet been brought against a buyer. I think that if one or two cases were brought it would have a salutary effect. The third reason for the failure of Price Control is, I submit, the inadequacy of staff, and that despite the £18,000 which is set off as a one-line vote for Control in the Estimates. When I say inadequacy of staff I mean inadequacy of inspectors. Such inspectors must be paid a good wage, a high wage, so that they do not fall to the temptation of bribes. I wonder whether actually there are sufficient honest people available at the present moment to take on the job?

There are two particular items of Price Control which I should like to touch on. In Mombasa the other day the Price Controller issued an edict that chickens weighing less than one pound should not be sold for more than fifty cents. I submit that anybody who buys a chicken less than one pound or sells one should be severely dealt with, and I should like to see some order go out from Government or some encouragement given to the poultry people in Mombasa and the coastal area to conserve their stocks of pullets, because at the present moment as soon as a chicken looks as though it is table size it is

brought in and sold to somebody or other, and sooner or later we are going to be denuded entirely of poultry. Another curious thing that happened the other day at Mombasa, where you would have thought that sea fish would have been in abundant supply, was that the only fish we were able to get was lake fish; in fact, a number of people in Mombasa have had nothing else but lake fish for a long time. It is quite impossible to buy sea fish in Mombasa at the controlled price of fifty cents a pound. There is one other point on supplies that I want to touch on, the question of supplies to the Merchant Service. We have not had available in Mombasa for the Merchant Service fresh pork or sausages for a very long time. The Victualling Stores Officer gets them, and I am afraid that when the merchant sailor sees these various stores going on board His Majesty's ships and he does not see them come off to his own ship a considerable amount of dissatisfaction is caused. I maintain that we should have some definite allocation of these items to the Merchant Service. I know there is a shortage of potatoes, but at the beginning of last month the Director of Produce and Distribution promised that he would allocate ten tons a week to the Merchant Service. Well, nothing has happened. I think that possibly in regard to potatoes it is a question of the price paid to the consumer which is at fault. It is interesting to note that last month, October, the price of potatoes in Durban was £25 a ton; the price in Mombasa (if you could get them) was £10 a ton. Another great complaint as far as the Merchant Service is concerned is the arrangements in regard to vegetables. Before certain regulations were brought in the Merchant Service purchased their vegetables through ships' chandlers, who had buying agents up here who went out with a lorry and bought from various growers, brought them into Nairobi and shipped to Mombasa. Most of us with contracts with ships' chandlers had a clause in the contract that the chief stewards of the ships could throw back to the chandlers vegetables not up to standard; in consequence, a chandler took great care to see he has good quality stuff to deliver to the ships. Chandlers are prepared to

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pay a higher price to a grower than the latter is receiving from elsewhere and still not raise his price to the ships, because it pays him to do that rather than take a lot of rubbish and have it chucked back at him, and it is chucked back today because he has to buy from the Civil Supplies Board depot. That depot also closes at 3 o'clock in the afternoon, and if a ship comes in at 4 o'clock and wants to sail at eight the next morning it cannot get any supplies at all. I do hope some definitely satisfactory arrangements will be made for these merchant ships. An average tramp steamer does not have a proper cold storage refrigeration plant installed in the ship; generally it is an ice-box with a capacity for about ten to fourteen days, and the ship may on leaving Mombasa be away on a voyage of a fortnight or three weeks or a month. It is only fair that these merchantmen should for as long as possible on that voyage be fed on fresh stores rather than commence the voyage on tinned stores. Everybody will agree on the magnificent work that these merchantmen have done and are doing and it is up to us to see that they are properly looked after.

All these sort of controls react most harshly on the original producer. It is essential that the original producer gets an adequate price so that his effort is economically remunerative and so that he is not only assured of a profit but has adequate financial protection against loss of crops through pest, disease, drought, and theft.

The Civil Defence and Supply Council in which we all had great hopes appears to have failed rather dismally in providing answers to our problems, and we would remind Your Excellency that you assured us that, should at any time it be found that any Directors of that Civil Defence and Supply Council were not delivering the goods, you would root them out and put somebody else there to get on with the job. There was a brief notice in the papers today of the discussions which Your Excellency had at the recent meeting of the Governors Conference. We in the country are waiting for very much greater detail, and I do hope that early steps will be taken

to tell us of the results in detail, and not only of your visit home but of your recent deliberations here. My hon. friend Mr. Kasim mentioned Madagascar—I would like to ask what steps, if any, Government are taking or propose to take to endeavour to get some food supplies from Madagascar for consumption in this part of the world? The next point that I want to touch on is the Information Office. There is a one line vote for £13,000. The hon. Member for Aberdare spoke somewhat harshly of the Information Office, and not without justification, and unless very much more money can be found for this department, which should be a very valuable department in war time, you might just as well wash it out. I think you have got to think in terms of £25,000 to £30,000. Don't forget that in pre-war years General Motors used to spend £50,000 a year on advertising alone. Your Information Office, sir, should be utilized as a very good advertising medium for Government, but it is not so used today or is not used enough, and unless some more money can be allocated for that department I am afraid the only recommendation which can possibly be put forward is to close it down.

The next question, and it is a question which worries all of us, is the native unrest that is abroad in the country today. Lack of housing in places like Mombasa and Nairobi have a very great deal to do with it. I do think and I do hope that you, sir, will bring the strongest pressure to bear on the authorities concerned to see that materials are released for this very necessary project. One of the reasons for the recent strike in Mombasa was, in my opinion, the failure on the part of Government to thoroughly appreciate the outlook of the native, and the economic side of the native. The strike in 1939 originated through Government employed labour, the Public Works Department labour in Mombasa, and municipal labour, and after that strike in 1939 a commission was appointed to investigate it. What I might describe as about the only intelligent recommendation of that 1939 commission report was that there should be a minimum wage which was then calculated at Sh. 28 a month for an unskilled,

[Mr. Nicol] unhouseed boy. The strike of 1942 started in Government labour, first of all the Post Office boys, who were being paid Sh. 19 a month, then spread to the Railways, and they were the people who came out, some only being paid Sh. 23 a month. It seems a serious thing to have to say, that Government did not take note of that commission's recommendation, which was adopted actually by civilian employers of labour. We all know of the efficiency of the Labour Commissioner, but I do submit that something must be wrong, and the boys are not so ignorant as some persons like to imagine. I suggest that much might be learnt from the report of the Royal Commission appointed to investigate the labour question in India in 1939, and with your permission, sir, I propose to read three paragraphs from that report. The paragraphs are taken from the chapter entitled "Industrial Disputes," and will be found on page 347. The first heading is "Neglect of Conciliation" and says:—

"In concluding this chapter, we would emphasize the fact that the most useful form of State assistance in dealing with trade disputes is scarcely employed in India. The official outlook, like that of the public, has been concentrated largely on the final stages of disputes. As a rule committees and tribunals have been set up only when disputes had attained considerable magnitude, and when a strike was either imminent or in being. Individual officers, on the comparatively rare occasions when they have intervened, have also waited, as a rule, till the later stages. It is at the climax of a dispute, when the parties have completely failed to reach a common standpoint, that settlement is most difficult. At this stage public opinion tends to demand action. Government, which has been either unaware or a passive spectator of the earlier stages, may be compelled to intervene, and such intervention nearly always partakes more of the nature of arbitration than conciliation."

I think it will be agreed that this paragraph is very applicable here to

conditions as they are at the present moment. To continue:—

"It is in the earlier stages that assistance of the right kind can be most valuable. We do not suggest that the heavy artillery of the Trade Disputes Act should be used at this stage; we would repeat that it is far better to get the parties to a dispute to settle it themselves than to put forward a settlement for them and attempt, by invoking public opinion or otherwise, to give it force. There are frequent occasions when the tactful and experienced official can assist by bringing the parties together, or by putting before either party aspects of the other's case which may have been overlooked, or even by suggesting possible lines of compromise. India has tried to copy the less valuable part of the machinery employed in Great Britain whilst ignoring the most valuable part. There, less reliance is placed on *ad hoc* public enquiries of the kind contemplated by the Indian Trade Disputes Act than in the efforts of conciliation officers and others to bring the parties privately to agreement. The need of qualified officers to undertake conciliation is greatest in Bengal and in Bombay; but elsewhere also the heads of the labour departments or other qualified officers should undertake the work of conciliation."

The final paragraph is headed "Government's Contact with Disputes," and says:—

"The existence of such officers should give an additional advantage, in that they will be able to keep Government in close touch with disputes in their earlier stages. Too often when the crisis comes, Government is inadequately informed regarding the antecedents and the merits of a dispute; indeed, in many cases it has received little information of it except that which comes at a late stage from those responsible for law and order. At present, even some officers dealing with labour in the provinces, lacking encouragement (and even permission) to interest themselves directly in disputes, tend to depend on police reports for their information. The attention of the authorities is thus apt to be

[Mr. Nicol] concentrated too exclusively on the effects which a dispute is likely to have on the public peace and officers whose duties qualify them to act as conciliators sometimes receive no information of a dispute or are informed at a very late stage. An expert officer who had followed a dispute in its earlier stages would be able to take a wider view of the whole situation than those whose interest is rightly concentrated on a special aspect of it, namely, its relation to public security. Even when the expert officer's efforts to secure a settlement were unsuccessful, he should be in a position to give wise advice to Government as to the stage at which it could bring its influence to bear, either privately or by the appointment of a statutory Board or Court." We consider that every Government should have an officer or officers for this purpose."

I think that much useful thought could be given to these recommendations as applied to this country.

I should once again like to make a plea for the reintroduction of the Statistical Department. I have always considered that a very grave error was committed and one of extremely false economy when that department was closed. Much valuable data of the past few years must have been lost, much valuable data which would have been of enormous help to those of us who are interested in the future development of this country. My hon. friend the Member for the Coast asked whether something could be done for the opening up for holiday traffic to the coast of the strip just north of Mombasa. I should like to support that in view of the improved conditions. In this regard, the question of those Defence Regulations which Your Excellency has published restricting travel in the coastal area. I should like to ask the hon. Provincial Commissioner for the Coast whether he is satisfied that those regulations are being enforced satisfactorily or whether there are too many loopholes or whether he has any suggestions to make in this regard. I want to touch for a moment on the question of the requisitioning of houses for the Services. We all know

that machinery is available to take houses over for the military: I should like to ask, is there any machinery in existence to take them back? I suggest that there should be a constant review of the housing situation, and I am talking particularly of Mombasa; I have no doubt that the same applies to Nairobi. I am going to quote one particular instance as far as Mombasa is concerned, because I happen to be particularly interested in it. As you know, in Mombasa there is a company which happens to come under my management which manufactures oxygen and dissolved acetylene. We are shortly going to have to work twenty-four hours a day, and it is absolutely essential that the manager of the company is in close proximity to the factory. At the present moment, the two houses which belong to his wife have been requisitioned, and he is living off the island, and if anything happens when we are working twenty-four hours a day at the factory he cannot be got at, and anything is liable to happen. We must view the whole of the housing question from the war effort point of view, and if the Services require materials produced by civilians in urgent demand they have got to be prepared to make a certain amount of sacrifice themselves so far as housing is concerned.

We hear on all sides slogans about the war effort. Kenya has no need to be ashamed of her war effort in manpower, woman-power, money loaned and money donated. And on this subject of the East African loan I hope that before we disperse at the end of this session the hon. Financial Secretary will bring in a motion increasing the limit of that loan, as the figure which we aimed at last session will be reached, I am almost certain, by the 31st December. The direction of the war is outside our purview, with the exception perhaps that it is our duty to see that the Services do not unnecessarily waste the money of the home taxpayers. My own experience since the last budget session is that we have been most fortunate in Mombasa in having real active senior officers to deal with as opposed to a number of inconsequential doughty who have endeavoured to exert authority for the sake of justifying their employment. I have

[Mr. Nicol] found in Mombasa that to-day's Service chiefs are only too willing to co-operate and to help.

The general news is much more encouraging. In fact we can justify a quiet optimism, but do not, for Heaven's sake, let us fall back in an attitude of complacency. I predict that peace will be with us soon, and are we ready to face that peace? The answer is "no!" Of course we are not, and I submit that so long as we remain under the archaic administration of the Colonial Office we shall never face anything because it is not in the Colonial Office rules and regulations to meet any situation with other than "shelve it, in time it will answer itself." Now, Sir, I give Your Excellency fair warning that those of us who live here are determined to get away from Colonial Office control. Malaya, the Far East—these tragedies of the modern age must be laid at the Colonial Office door. Their failure to be prepared—such gross negligence, must not be allowed to be repeated, and yet the indigenous sea coast population, of this territory would have acted in the same apathetic manner as did the Malaysians had war come here.

My hon. friend the Arab Elected Member has told Government of the Arab grievances, and I do trust that something will be done to relieve some, if not all, of those Arab grievances. I feel sure that much can be done by a sympathetic hearing. Their status has got to be raised and they must be encouraged to play their part. Sir, they are a great people, filled with pride of ancestry; a dignified race whose natural courtesy may be misleading to some. I hope they, no less than Government, will make a sincere effort to sink differences of opinion and pull for the benefit of us all.

Now, Sir, in anything I say I am not being personal and I want to make it quite clear that in anything I may say I am not making a personal attack on anybody. What I am going to go for is the system, the system by which no real notice is taken of what we say here by the Colonial Office unless it happens to suit them. I flatter myself that I have got friends on both sides of this Council,

and I come here today in a spirit of friendship, in the hope that I may be able to get something done for the betterment of East Africa and Kenya, and one of the things which worries those of us who have elected to make our homes in East Africa is the apparent determination of the Colonial Office to keep these East African territories in a permanent backward state. I know you will turn round and say, "Look what we spend on hospitals; on schools; and all that sort of thing, but that is all eyewash, the sort of claptrap that goes down with a certain section of the community at home, the sort of rubbish that keeps this party in power and that party in power. That is the curse, we suffer from party politics and party power at home. Lord Baldwin even admitted that he could not tell the public at home of the dire peril in which they were because he was afraid that he and his party would lose office. In framing any estimates, while we deal with the immediate future—the year to which we are just coming, 1943—we must also bear in mind in the consideration of the estimates the future. Ever since I have been here in this Council I have endeavoured to urge that Government should try something new, namely planned economy. I fully realize that I am probably wasting a certain amount of time in again reverting to this subject, but even if it is for the last time I am going to try once again with the hope that we will get some realistic thoughts circulated as to what these East African territories require. The last time we met the Member for Nairobi South tried to get something on the move, the Chair ruled that that motion should be thrown out. In the forlorn hope that my words may not fall on barren ground I am once more going to advocate my plea that to bring prosperity to East Africa the native has got to have his life and conditions improved, and as I have said on more than one occasion you cannot have that prosperity by expanding social services out of revenue. All that does is to make more jobs for Government officials. Now the mention of the word "loan" seems to send a shiver down the backs of some hon. members, and so I am going to ask for something new—it is but a rose by another name. I want to see established a substantial credit on

[Mr. Nicol] which we can draw when we are planning post-war development. We have got to realize that to improve the capital assets of this country much money has got to be spent. Then, is there an economist on the other side of the Council? There are possibly three only on this side. I am not holding out to be an economist; I am merely mentioning one or two elementary points of economics. Properly planned economy cannot fail to bring prosperity to all sections of the East African community.

Ponder for a moment. We have, I think, 3,000,000 Africans in Kenya. Let us assume that 1,000,000 are wage-earners; do you realize that if their rate of wage could be increased by one penny per head per day over their current wage their spending power would be increased by no less than £1,520,800 per annum. This must have an enormous effect on your customs, who, I am afraid, Sir, are still letting gross frauds be perpetrated on them. I want to see double the number of schools; treble the number of hospitals, but you cannot do it out of revenue. By the creation of the credit I have asked for, and the wise spending of it, the home taxpayer must eventually benefit. I know we have in existence various committees which are considering post-war settlement, post-war rehabilitation of Africans returning from the war, and of Europeans, and I do hope that in any planned economy, any planned post-war development very serious consideration will be given to the question of free education, free medical attention and also free maternity treatment. That is the present trend of thought at home and it has got to be established out here. Why should families impoverish themselves in order first of all to bring children into the world and then to give them a good education. Every individual should have the same chance in the world, every individual should have the same chance of education and of getting on in this world and should not be held back on account of the financial difficulties of parents.

I also want to know what has been done, or what is being done, to plan post-war development of the East African territories as a whole, in order that the

assets of these territories may be made the best possible use of for the general development of all races. We want development of roads, the bringing of water to arid places, the eradication of disease, and the general education and encouragement of the natives to make him a better citizen. All these must take their place in planned economy. The union of the three East African territories is a primary factor in that development of the East African economic basin, with the speeding up of communications, postal telegraphic and telephonic, large blocks of territory can be more economically, more satisfactorily and more robustly administered from one central authority. The Financial Secretary in his speech touched on the problem of the feeding of the peoples of East Africa, and said that it must be tackled by the East African Governments working in conjunction. I naturally agree with him, and that is an added argument for the union of these three territories. The Associated Chambers of Commerce of Eastern Africa have asked many times that Government should call a round table conference to discuss this question of the union of the territories and I reiterate that plea. Let us get together and try and sort out the many and varied questions which at the moment hinder us. I think all will agree that the union of East Africa is essential to advancement and development, and I am quite certain that we can find a satisfactory *via media*. As I have stated before, I visualize that these East African territories are going to play a very great part in the rehabilitation of the social and economic life of the world, and that planning, and the putting into force of that planning, cannot be done by persons sitting many thousands of miles away from the problem, who perhaps have only acquired their knowledge from text books, newspaper articles, Government reports, and perhaps Miss Margery Perham! The development of the territories must be left to the man on the spot, men who have spent many years of their lives in Africa and who know local conditions, local customs and local ways.

The failure of the Colonial Office in the past twenty-five years is amply

[Mr. Nicol] evidenced I think, by looking at the vast areas of these East African territories laid waste through inability to insist on local administrative officers taking a firm hand with the native who, in many instances, has been allowed to denude many acres of valuable territory by cutting down forests and in consequence is allowing the country to become bare and barren. In fact, if things are allowed to go on as they are today in Kenya, and also in Tanganyika, we shall very soon have a second Sahara Desert instead of a country rich in productive capacity as it should be, and can be, provided an energetic economy is planned and embarked on. The magnitude of the problem should not deter us. It is one which is well within our capacity and it is one which those of us who live here can justly demand as our right, and in fact the solution of the problem is the only method of implementing the trust which we and the Colonial Office have talked about for so long and so dismally failed in, namely the trusteeship of the native. We have, from all accounts, been fortunate in having Lord Cranborne appointed as Secretary of State and Mr. Harold McMillan as Under Secretary of State, and I understand that they do not lack what the hon. Commissioner for Local Government describes as intestinal fortitude. I wish them luck, but above all I wish them understanding: understanding of the views of the men on the spot and with the views of those men whose homes are out here, and I hope that they will not be swayed by the views of birds of passage.

Finally, Sir, I would commend to all hon. members, particularly hon. members on the other side of Council, two old proverbs. The first one is applicable to everybody, and it is an old Chinese proverb which says, "He who will not hear cannot judge." And the second proverb is that Persian one, which is particularly applicable perhaps to Colonial Governors who should have it before them the whole time, and says, "At the bottom of the cup of flattery lies poison."

DR. WILSON (Native Interests): Your Excellency, in discussing this budget which, after all, is supposed to be more

or less the business of this debate, there are two thoughts that ought to be and must be in our minds, and the first is: how can Kenya help to win the war? and the other is: how can we help Kenya to win prosperity after the war? Of course, one would like to think that those thoughts were uppermost all the time in the minds of those who framed this budget. I hope they were. As a matter of fact, I expect the principal consideration was to keep the Government machine ticking over! It is possibly a misfortune that on the other side of Council we do not get that spice of imagination and inspiration in these annual Estimates that the hon. Member for Mombasa is prepared to bring into them. I am not prepared to go the whole way with him in his suggestions, and I hope that the other two economists on this side of Council are prepared to agree with him (laughter.) If a head of a department were to dare to break out in such imagination and originality as the hon. Member for Mombasa has shown he would be immediately suppressed and put back into his rut, and probably the blue pencil would go through his estimates to be followed by a black mark against his own name. And those who are so busy with the blue pencil of course have not had time to use their own imagination in putting forward any new and original ideas. As regards the question of winning the war, the need for exceptional measures has been forced on us, and by the very force of events we have been jolted out of our ruts, but possibly there has not yet been enough jolt to get us on the right lines of how we shall develop this country after the war. A month or two ago I do not think I should have worried very much about after-war problems because the war then was so grim that there was not time to worry about anything else, but the outlook has changed so suddenly that the post-war world seems to have become of more immediate interest, to have become rather clearer, so I am not going to deal with the war programme, because that has been pretty well defined and discussed, here and elsewhere. I will leave that alone, and ask one or two questions about the post-war programme. I do not want to be misunderstood in jumping straightaway to the future. I

[Dr. Wilson] realize there are very urgent problems at the moment which are particularly to do with the war, and present conditions, but it is impossible in a speech of ordinary length to deal with everything. One has to select one or two subjects. The question of native labour and unrest has been discussed by other speakers, and I intend, although I realize the extreme urgency, to leave it alone.

The state of affairs in Kenya after the war must be more or less guesswork, we cannot predict what it will be, but here is a fairly easy guess: that our attention will not be wholly monopolized by agriculture, and that secondary industries will become of rather more than secondary importance. The war has fortunately forced us to develop certain of them in Kenya already, but is Government doing anything to see that these industries are developed along the lines that will be best for post-war conditions? At present we have in operation an East African Industrial Research and Development Board, and in the Memorandum accompanying these Estimates, on page 22, the second paragraph, we read:—"The Governments of Kenya, Uganda, and Tanganyika have each agreed to provide £5,000 during 1943 to be used to finance research, with the object of stimulating local production of goods which would otherwise have to be imported from overseas." Actually, things have already gone beyond that, industries have already been started by this Board, and I am wondering what will happen when the war is over. It will then be the job as far as I can see of Government to carry on with this and other industrial concerns at least until private capital is available and ready to come forward and take them over. And what Government department will look after these industries when the war is over? If it is really believed that the future prosperity of Kenya depends to a great extent on the existence and prosperity of these secondary industries, I suggest steps should be taken now to get the personnel and organization ready to do something about it when the war finishes. In fact, I think it desirable now to select men who can work in association with the Industrial Research and

Development Board and get acquainted with its work, and with that experience will be in a position to take charge at the changeover after the war. I am not sure that this work of helping and supervising and possibly actually managing some of these industries will not require a separate department of Government. I do not suppose the suggestion of another department of Government is going to be very popular, but I really do not see what present Government department can adequately take on this work, because apart from the technical and financial problems there are many other problems that these industries will raise, and Government simply must concern itself with them.

In the first place, there is the question of the needs and welfare of the workers, the African workers. Capital can to a certain extent be trusted to look after itself, but African labour must be looked after. One of the most important points for consideration is: where are these workers going to live? That depends on where the factories are going to be sited. That point is of immediate importance, because factories are starting now, have started, and it is not so easy to shift one once it is established. We do not want to see slum conditions any worse in Nairobi or any other town. Already there is very great difficulty as we all know about the housing of native labour in Nairobi. I will not go on with this question, which has already been mentioned, but it is extremely urgent, and I shall be deeply disappointed if there is any hang up with the housing we need. Here in Nairobi water supplies are inadequate, and there are many objections to increasing the industrial population. We want to see someone responsible for ensuring that new factories are started in the right place, not just where is most convenient at the moment, but where it will be best in the long run and particularly best for the workers in the factories. Nairobi is here because it was handy for the Railway workshops, and the capital grew up around the workshops. We do not want to see more workshops growing up around the capital. We all appreciate, and the hon. Member for Kiambu obviously does and has in fact referred to in previous speeches, the

[Dr. Wilson] advantage of providing garden suburbs or cities for factory workers. That is not an entirely fantastic suggestion. I believe it can be done in Kenya, but it needs someone responsible who will do it regardless of preconceived notions and present difficulties. I can find in these Estimates no provision for such a super-town planner, and when I talk about super-town planner I do not mean merely a man to lay out an existing town in order to fit its industrial development, its increased industrial population, but a man who will see that a factory is sited or a new industry started in the right town, or will even arrange for the creation of a town for any particular industry. When you take a wide view like that one's ideas go beyond the borders of this country, and we have got to include, as I see it, Uganda and Tanganyika. And here I am sure the hon. Member for Mombasa will agree that this union which at present is, shall we say, reflected by the East African Industrial Research and Development Board, must continue after the war, and we must regard all these questions, all these industrial problems, including agriculture, as one at least for these three territories. Kenya is too small to stand alone economically. I do not pretend to guess what the economic relation will be between Kenya or East Africa and the rest of the world after the war, but one thing seems perfectly certain, that Kenya, Uganda, and Tanganyika must get together.

I have mentioned agriculture. The organization corresponding in a way to the Industrial Research and Development Board is the Agricultural Production and Settlement Board. This Board, as we all know, has done an astonishing amount of good work and deserves the highest praise, but is it not, Your Excellency, rather a reflection on Government that it was necessary to create such a board to do this work? And what is going to happen after the war? Is the Agricultural Production and Settlement Board going to carry on with its present activities? Is it going to concern itself with native agriculture, as it does to a certain extent at present? and what is Government going to do in

the way of carrying on where the board leaves off? I suppose I shall be told that the Agricultural Department is quite capable and ready to do all that need be done after the war about native agriculture, and I am the first to admit and recognize and appreciate the good work the Department of Agriculture has done in the native reserves. I was particularly pleased to hear in Your Excellency's communication from the Chair that programmes for soil conservation and improvement of water supplies had already been prepared. But there is one other development which I think must come with regard to native agriculture, and that is the organization of native co-operative societies. In fact, I think it should come at once as part of our war effort, and I would go so far as to say that we need a Director of Co-operative Societies to get them going at once and to supervise them in every native reserve where it is possible to get them going at all. It is not, to my mind, good enough to say as was said last session, that this is a growth which must start from below. All growth has got to start from below, I suppose, if it comes to that, but the seed has to be sown and the plant to be tended. In other words, there must be a gardener. Here again, how is such an officer to be fitted into a Government Department? His work would be as much financial as agricultural, and I do not know that he would fit very well into the Agricultural Department. In the Colony in which I last served, in Malaya, there was such a complete Government Department for the care of co-operative societies. I do not go so far as to say that we should have one here, but we should have an adviser or director of co-operative societies somewhere in the Government organization.

If I may swing off—the budget for a moment and refer to a remark made by the last speaker, I feel that as I am the only member in this Council who has first hand experience of Malaya I must answer that remark. In my opinion, what happened in Malaya was in no way the fault of the Colonial Office. What happened in Malaya was a military disaster. I happen to have had five years there, and I do know the co-operation of the Government with

[Dr. Wilson] the people of Malaya was very close indeed, and when one considers the greatness of the military disaster it is very unfair to criticize the civil administration for what happened.

In connexion with the suggestion for a director of co-operative societies for the benefit of native agriculture, I am sorry that we have not at the top a Secretary for Native Affairs instead of a Chief Native Commissioner with no executive functions. I have never understood why Sir Alan Pim's recommendation fell down over that. There are good reasons I know, for not dividing the country too sharply into native and non-native interests; there are difficulties I know, in arranging for native and non-native interests between different Government Departments, but I think our native interests are suffering for the want of a Secretary for Native Affairs with wide responsibilities and executive functions. In connexion with this division between native and non-native interests, we have always recognized the difficulty in dividing native and non-native revenue and expenditure. All I will say about that difficult subject now is to express surprise that in these Estimates there is so little, and nothing at all in the memorandum, to call attention to the changes that have been made in the allocation of expenditure and revenue between Government and the local native councils' budgets. The hon. Financial Secretary referred to this in his opening speech and gave some explanation, but I cannot see that anyone unacquainted with the course of events would be able to gather from these printed Estimates what had happened. In fact, no one would be able to work it out. There are foot notes to a few items under Administration. Page 23, item 21, is the first of these, the sum of £4,180 is to be spent on chiefs and headmen. The footnote says: "Transferred to L.N.C.'s in accordance with Report of Inter-Relations Committee". . . .

MR. RENNIE: May I invite the hon. member's attention to paragraph 10 of the memorandum?

DR. WILSON: I thank the hon. Chief Secretary for calling my attention to that paragraph, which, of course, I had read, but my objection is that there is nothing detailed about the explanation. There is nothing to show how many of the recommendations of this committee—and I do not suppose that every member even recognizes the committee under that title of Inter-Relations Committee. I hope we are all acquainted with the report, but there is nothing in the Estimates to show which of the recommendations have been accepted and adopted in the budget and what the total amount involved is. I think with all due respect to the hon. Chief Secretary that this is treating Council rather shabbily. I think the details should have been set out fully so that everybody could have understood them. I will go further and say that I think copies of the local native councils' estimates should have been laid on the table for the information of this Council. That would have given a much clearer picture of what was happening, and enabled hon. members to realize what funds are being collected and expended on native affairs. Going back to that item just quoted, there is one small point I would like cleared up. Immediately following item 21 on page 23, there is an item in Italics "Chiefs clerks, £500," transferred to the local native councils. I hope that was the intention of the committee. The reason I call attention to such a small item is that as far as I can make out there is to be £18,458 extra expenditure put on local native councils and only £9,500 of Government revenue transferred. If I am wrong in my calculations I submit it is the fault of this budget and not my arithmetic. Those are the figures as far as I can make out, and one wants to be assured that this transferred expenditure to local native councils is perfectly fair. Actually the wording of that committee's report on the item of chiefs clerks is to be found on page five where it is proposed that this expenditure should be met by local native councils: "the payment of all headmen other than gazetted headmen and chiefs clerks." That may be read two ways, but I presume the chiefs clerks are to become the responsibility of local native councils. It is a small point, but it is rather unfair to

[Dr. Wilson] those councils and to members of this Council that the facts and figures as a result of the committee's report are not set out in greater detail in this budget. I have a further complaint that there is no reference in these Estimates to the alteration in the poll tax. All I can find is an estimate that £15,000 less will be collected, and I think we ought to have some explanation of that, apart from the mention of it by the hon. mover, because on the face of it a drop of £15,000 in the collection of poll tax is rather surprising. It was supposed that the abolition of the tax on women, that is to say the abolition of hut tax, would be compensated by an extra Sh. 2 in poll tax. Is that calculation not likely to prove correct? and why is no reference made in this budget to the Sh. 2 which was to be subtracted from some poll tax payers and paid into the Native Trust Fund. Surely that is all part of the Colony's revenue and expenditure?

Turning to quite another matter, again something which ought to be included in this budget and is not, and that is the financial details of Government Controls. This subject was mentioned some time ago and I am not first in the field in asking that this should be done. The profit and loss of these Controls is just as much a matter of public interest and of interest to this Council as any other Government revenue and expenditure, and it should not be necessary to extort this information from Government by asking questions and pressing for answers, some of which are not yet forthcoming. If these Controls are going to require public funds to keep them going, then that has got to come before this Council some time or another. But what if there is a profit? We know that there has in fact been a profit of some £34,000 on Meat Control and we know, or some of us know, that the original iniquitous system of Maize Control was devised to produce a profit of over £10,000 over and above the cost of something like £15,000 for its operation. I submit that it is completely wrong if Government, through these Controls, is making a profit out of the sale of maize

and meat, and this is the time and place to say so, when we are discussing the Colony's revenue and expenditure, including special war measures. And I may say this is the time and place to say that these details should have been made public long ago. My next protest is about another omission from the Budget. It may be considered rather outside my sphere as representing native interests, but it is a matter of Colonial interest and does affect native as well as other members of the community. Where is that special road engineer of which we heard last year? I would like to go much further than that and ask for a special Government department for roads and road transport. After all, things have changed since the old days when Kenya roads—East African roads—were only used by a few ox wagons. In those days perhaps we could have left it to the Public Works Department but now our roads and road transport have become of such importance that they surely deserve better treatment. It is no exaggeration to say that our roads are as important as the Railway, and I do not know if anyone is prepared to suggest that the Railway should be put under the Director of Public Works. I know what my hon. friend the Director will say and that is that the roads at present are doing very nicely, thank you, under his direction. I know that things are happening to our roads just now which have never happened before, but there may be two reasons for that; one is that they have been so managed in the past that something big has got to be done to bring them up to a reasonable standard; the other is that the war has forced us to look after our roads. The very fact that so much is being done now is the very reason why we should be perfectly certain that the expert direction of these engineering works should be beyond question. I happen to know one road very well—and it is not the Bamboo Forest Road this time! (laughter)—the road from Naivasha to Nakuru. It is being completely reconstructed, and it looked like being a grand road, but within a few weeks of opening up one section to traffic the road was already being taken up and

[Dr. Wilson] relaid, apparently because the sides were higher than the middle and the road would have become a river. And I would like to know whether the hon. Director of Public Works is completely satisfied with that part of the road that runs down the Gilgil Escarpment. To an amateur it looks very expensive and very dangerous, and I believe that the Department itself has admitted that things have not gone quite according to plan. Then there is the other road which is to be constructed down the Kijabe Escarpment; I should like to know that the Director is satisfied that that road will be built with the maximum of economy and efficiency, and in our generation. Apart from the construction and upkeep of these roads, there is the question of the Colony-wide design of our whole road system and the organization of road transport. At present each district council and local native council works out its own little system of roads, and suggests from time to time improvements and developments, many of which are vetoed by central authority. There is no central authority to initiate and co-ordinate road development in the Colony generally. I am asked: What about the Road Board? There is a strange body, that curious collection of distinguished persons, called the Central Roads and Traffic Board, and they, I understand, in their wisdom have decided that all is for the best for Kenya roads under the direction of the hon. Director of Public Works. So for the moment I shall have to drop this proposal for a separate Government department, but I believe even the Central Roads and Traffic Board supported the proposal for a special road engineer. Even if I am told "Don't be silly, because you cannot find the man at the moment," I suggest that the item should have appeared in the Estimates so that we can know Government has not lost sight of its necessity.

I am afraid I have taken up too much time in complaining about omissions from the budget to spend much time on what is actually here. But, if only for the sake of professional decency, I must

refer to the Medical Department estimates which naturally I am pleased to see continuing to expand. There is only one small item I would like to single out from the extended medical activities. You will not find it in the Estimates; it is carefully concealed. I am referring to the establishment of dispensaries and small hospitals at some centres in the rural districts of the Highlands. It is a sign that the policy of the department, the policy of Government, is to provide and make available medical services for native farm labour on farms. I think that change had to come. It has always been by law the duty of the employer, in this case the farmer, to provide medical attention for his servants. In practice it has proved in some districts impossible and the native has suffered. The responsibility still remains on the employer, the financial responsibility, but what is happening is that Government is helping the employer by bringing the means of obtaining medical treatment within his reach. The farmers have shown their appreciation of their responsibility by subscribing to the capital cost of these dispensaries. Possibly in due course they will go a stage further and will allow themselves to be rated through their district councils. The provision of medical services for farm labourers is only a small part of the bigger question of the general welfare of the farm worker, and I think there is a danger that the state of the native squatter may be lost sight of in our schemes for racial betterment. I hope that Government will keep the case of the native squatter prominently in the foreground if and when any consideration is given after the war to schemes for further white settlement. This is all part of the big problem of the standard of living of our native population, and I think that problem is about the most serious that we have to face in the immediate future. It seems to me certain that in the post-war world, in the new order, the welfare of the worker will take first place in political thought and practice throughout the world. We here in Kenya cannot hold aloof from that movement. I suggest it would be better for us to put our house in order

[Dr. Wilson]

of our own initiative and not wait till force of circumstances in the Colony or force of public opinion outside the Colony imposes revolutionary changes in social standards, a process which might be far from pleasant or even disastrous to our mixed population.

Invariably when I speak on the budget I conclude with one question, and unfortunately my contribution to the Budget debate has got to finish again with that question. Where in these Estimates is there provision for a provident fund for African Government servants? On this occasion I should associate that with several other questions but I have not time. The first is why has Government not acted on the report of the Committee on Arab and African Terms of Service, which includes the provision of a provident fund and many other requirements which, in the light of recent events, have become even more serious than they were at the time of the publication of the report. And we had laid on the table this morning another report, and naturally hon. members have not had time to read it unless they have done so during some of the longer speeches, but even I was able, while listening to the hon. Member for Mombasa (laughter) to see two lines, on page eleven: "We formed the considered opinion that the lower paid African servants of both Government and Railway must be in a state of malnutrition." I submit that that, coming today, drives home the urgency for action on that report of the Committee on Arab and African Terms of Service. That report was published one year and seven months ago, and is it unreasonable to suggest that by this time something might have been done about it?

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 19th November 1942.

Thursday, 19th November, 1942

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 19th November, 1942. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

OBITUARY

SIR JOSEPH A. BYRNE, G.C.M.G., K.B.E., C.B.

His Excellency delivered the following communication from the Chair respecting the death on 13th November, 1942, in England of Sir Joseph A. Byrne, G.C.M.G., K.B.E., C.B., Governor and Commander-in-Chief of the Colony and Protectorate of Kenya from 1931 to 1937, in tribute to whose memory Council stood in silence:—

Honourable members will have read with great regret the news in this morning's paper of the death of Sir Joseph Byrne. He took over the administration of this Colony early in 1931, during the period of world-wide depression, and his arrival here coincided with the time when its effects were being most acutely felt in Kenya. Most of us both on the official and unofficial side of this Council were so closely associated with the controversies, both economic and political, that arose during the period of his Governorship that we must leave it to the future historian of the development of this Colony to comment upon them. But it is relevant to note that Sir Joseph Byrne's Governorship coincided with the introduction of Income Tax into this country, the publication and adoption of the Carter Commission Report, and the inauguration of the Colony's mining industry, and I have no doubt what the verdict of history will be. Those of us who served under Sir Joseph will always look back with gratitude for the support that he invariably gave his officers in the execution of their duties. Since the outbreak of war he has been carrying out the work of Director of Ambulance for the Venerable Order of the Hospital of St. John of Jerusalem in London. I am sure all of us will wish to extend to Lady Byrne and to his daughter here, Mrs. Boyle, our sincere sympathy in their loss.

[H.E. the Governor]

I will ask all hon. members to stand in silence for a moment in token of our respect.

MINUTES

The minutes of the meeting of 18th November, 1942, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 70—FRUIT MACHINES

COL. KIRKWOOD (Trans Nzoia): Will Government please state:—

(a) By name, clubs that have installed "Fruit Machines." (b) Names of clubs that were given permission in writing by the Commissioner of Police or his Deputy?

MR. RENNIE: (a) The following fifteen clubs have fruit machines:—

Aero Club, Nairobi; Endebess Club; Gilgil Club; Karen Club; Kakamega Club; Kiambu Club; Kitale Club; Nakuru Athletic Club; Naivasha Club; Nanyuki Sports Club; Njoro Country Club; Royal Nairobi Golf Club; Sigona Club; Suleman Virgee Club; Thomson's Falls Club.

(b) The following three Clubs were given permission in writing by the Commissioner of Police or his Deputy to install fruit machines:—

Aero Club; Sigona Club; Royal Nairobi Golf Club.

In 1934 the Commissioner of Police issued instructions to all police divisions to the effect that fruit machines could be installed without his permission at clubs, provided that their use was confined exclusively to members. In July this year the Commissioner of Police was informed by Government that authority should not be given for the installation of fruit machines in any clubs where they are not installed at present.

No. 77—HOSPITAL AND MATERNITY COSTS

MR. VINCENT: Is Government prepared to investigate the possibility of reducing hospital and maternity costs to the general public, especially those in receipt of small incomes? If so, what steps are contemplated.

MR. TESTER: The answer to the first part of the question is in the affirmative. As regards the second part of the question, it is proposed to appoint at an early date a representative Committee with the following terms of reference:—

(a) To consider and report by what means the cost to individual patients of treatment in Government European hospitals can be reduced and how far such proposals can or should be made to apply to treatment at non-Government hospitals and nursing homes.

(b) To consider and report by what means the cost of maternity services to Europeans can be reduced.

It is also proposed, when this Committee has made a preliminary report, to appoint a second Committee to examine the problem in so far as it concerns Indians, in order to prevent two Committees from sitting at the same time and covering much the same ground in the early stages of the investigation.

COL. GROGAN (Ukamba): Arising out of that answer, sir, may we have some information as to when it is likely that the limitation of man-power will make it impossible to produce any more committees? (Laughter).

DRAFT ESTIMATES, 1943

The debate on the motion to refer the Draft Estimates, 1943, to the Standing Finance Committee was resumed.

MR. VINCENT: Your Excellency, I was very sorry that it was evident from your opening address that the Secretary of State for the Colonies had not put you in a position to make a statement on the question of the terms of the Local Civil Service. I hope that he will do so at a very early opportunity to enable you to remove this blot on the Administration. Before dealing with the budget very briefly I would like to refer to the question of native policy. I believe that we should recognize that strength and firmness, with justice, is the right method of handling native disputes, and I do deprecate most sincerely that it was necessary to appoint, or refer this matter to, the Trade Disputes Tribunal. There was no intelligent anticipation, and as Your Excellency is well aware, the Railway is probably the largest employer of

[Mr. Vincent]

labour in this country, and if the Railway labour forces are not intelligently handled it must of necessity have a very great effect on the whole of the labour of the country. I am very pleased with the firm stand that the Railway Administration have taken and the efforts they have made to overcome what might have been a very ugly occurrence, and I firmly express the hope that the whole Administration will follow their example.

On the question of the budget, or to be more accurate the draft Estimates, I have little to say except to challenge them, and I challenge them not in detail but, following what I said at the last session, I challenge them on the statement which appears on page five wherein is reflected an estimated surplus balance of £1,335,491. I am not blaming anyone personally for submitting a budget in form, because it is the form in which probably it has been built up every year as a result of various instructions which have been received, but I will again point out that there is no mention of real or contingent liabilities in certain aspects, and that the result appearing on that balance-sheet does give, and has given already, a quite erroneous impression to the people of this community as to how our finances stand: Passages, which are a definite liability of Government, which have already accrued; widows and orphans pension contributions; and I am equally certain that if you asked heads of departments who draw up these estimates if they have drawn them up on the normal basis of the requirements of their department, you would find the answer would be, "No" as they have doubtless taken into consideration the present shortage of materials and artisans. Therefore, you have on paper a balance which is quite dishonest in effect, because a balance appearing in any Government document should be so certain that there should be no question or doubt in the mind of any member of this community as to its accuracy. Then again, I fail to understand why we come to this Council to consider the Draft Estimates when it is admitted as soon as we get into Council that at least the hon. Director of Education requires more money, as these estimates do not

really represent his requirements, and I am fairly certain also that the hon. Director of Medical Services will also ask for more money. Is it because we want to present Draft Estimates showing a small deficit in the first place and then go on building up until we come to the ultimate true figure? May be that is it, but it is difficult for me to understand on what basis the whole programme is set. Are we just trying to keep out of the hands of the British Treasury? If we have balances what are we going to use them for? Are we tied down in that?

Now, Sir, just going off for a moment to one detail—and I am not going to keep you very long—I am grateful for an assurance that a committee is going to be set up on the question of medical fees, or rather hospital fees. I do most sincerely believe that, owing to the delay in dealing with this matter of hospital fees, there is no reason why people in receipt of £30 a month or under should pay any hospital fees in the future and I sincerely hope that they will not do so and that they will recognise that they have a right to refuse!

To what is our budget related? Surely it should be related to some policy set out by the home government. Yet you know it is not, because there is no policy, and to substantiate that I am just going to quote two gentlemen who are held in very high regard not only in this country but also in the House of Commons and by the Colonial Office. One is the present Under Secretary of State, Mr. McMillan. You can see that, although he is a live wire and has a fine reputation, in exactly the same way as the Secretary of State for the Colonies, he has already become fettered with the shackles of bureaucracy, because Mr. McMillan, while going as far as he can to make a statement of policy—and he does in certain details—laments that it is not for him "to enunciate a new Imperial policy." And two months after he made that speech the *Crown Colonist*, a journal of wide repute, wrote the following in a leading article and at the same time quoted Lord Hailey, and I do not think that any hon. member here will fail to respect words that come from Lord Hailey:

[Mr. Vincent]

"If we cannot have a 'Charter' whatever that may mean, cannot there be a considered and authoritative statement of our Colonial policy, brought up to date, 'codified' as it were, and looking especially to the future after the war? Lord Hailey put the case well for such a statement when in a recent debate in the Lords, he mentioned that he had been examining a somewhat large collection of declarations on Colonial policy that had come from the Ministers of the Crown within the past twenty years, and he felt that the Colonies were justified in asking for something more explicit than they would find in such a collection. Certainly more explicit than some of the vague generalities we all remember, and perhaps also less contradictory. Moreover, events are marching fast, and our Colonial policy is moving with them. Some really authoritative and comprehensive re-statement of our Colonial aims is now due, especially in view of Mr. Churchill's limitation of the 'Atlantic Charter' to European peoples. Such a statement would be of the greatest value and stimulus, not only to the Colonial peoples, but to the United Nations and to the world as a whole."

I do not know whether it appears to you on the other side of Council, but it certainly appears to many members on this side, that there is something coldly humorous, even sardonic, probably quite unintentional, of course, on the part of Lord Hailey when he said, "he felt that the Colonies were justified in asking for something more explicit than they would find in such a collection." I do not think Lord Hailey, in fact I think very few people at home, realises that we in this country are not under a system of democracy, but are under a system of dictatorship, a true dictatorship with the exception that it lacks efficiency. I have already found that when one brings questions to this the most highly constituted body in this country, if it is at all inconvenient to either this Government or of the Government at home, it is immediately "negated," and we also know what happens to telegrams from

the Elected Members Organization that go home to the Colonial Office! And I believe, Sir, that I am quite right in saying that the most pathetic feature of this Legislative Council is the lack of approach, the free approach, the free approach, the unencumbered approach, to the Colonial Office. Finally, it is no use my asking Government if they have any financial policy, because I believe that they merely stumble on from year to year. They do not understand the vision on this side of the Council compared to the vision of the official side merely because we are permanent in this country and we have our homes in this country and we have the right to expect a policy of permanency. We unofficials do not, at the conclusion of the budget session, just thank Heaven it is over for another year and go back to our offices. We have got something more than that behind our lives. I know that a great many members on the Government side thoroughly agree with me and do appreciate that point. I do, therefore, trust that, when the Estimates are finally approved, the statement on page five will at least be qualified so that it has some semblance of the truth and will not mislead either hon. members, this community or anybody in England.

MR. HODGE (Provincial Commissioner, Coast Province): Your Excellency, I feel that I cannot allow the remarks made by the hon. Arab elected member to pass without comment as they may have left with hon. members of the Council what is, in my opinion, a very wrong impression. I am fully aware that as regards one or two Arab problems—and I refer especially to the report of the committee on the Arab and African Terms of Service—there is dissatisfaction due to the fact that finality has not yet been reached. I do not, however, believe that the Arab community as a whole is not prepared to help Government in this time of crisis. From information received from district commissioners of the Coast Province and from my own experience, I believe that Arabs at the coast are a loyal body of people, and I beg leave to doubt whether the statements made by the hon. Arab elected member apply to more than a few. The hon. Member for Mombasa has raised

[Mr. Hodge]

the question of the way in which the Protected Areas Regulations dealing with Mombasa and the surrounding area are being carried out. I admit that the present situation is most unsatisfactory. The legislation referred to provides certain safeguards, but their close administration will require a considerable staff which, in view of the demands on manpower for production and other services, is not available. I have made representations on this point, and the question whether the time is yet ripe for the removal of these regulations is under consideration.

COL. KIRKWOOD: Your Excellency, I am rising not to support the budget or to condemn it at this moment. I do not intend to quote at length from the budget itself, but I propose to deal more or less with a few details and general principles. I should like to refer in the first place to Your Excellency's statement at the opening of the session. I must say that I was greatly disappointed that you did not bring back from home, from the Secretary of State and other authorities in England, any word of hope that the Colony of Kenya was likely to be given in the near future any further responsibility or reasonable responsibility in the conduct of the affairs of this Colony. I quite agree with the last speaker on that point. I must say that I was greatly disappointed. It is stated that one of the policies of the Imperial Government is that they are fighting for the recognition of the minority. They do not include therein the minority of Kenya, the European minority in a black island. I do not think it is statesmanship on their part, it is not encouraging, it is not hopeful. Your Excellency also spoke of the possibilities of further burdens that we would be called upon to bear. Evidently Your Excellency thinks that we must be very malleable, that by striking you will shape us and not break us. That again is not hopeful. After all, in this budget it does show a huge expenditure over and above practically any budget we have had before this Council. As regards the hon. member, I must congratulate him for the way he presented the budget. He has presented it very honestly, he has held nothing back, he

has told us there are moneys still to come in, that there is a lag in the collecting of income tax, which I do not understand. I know it is there. I know that the lag at the moment is very considerable indeed. It is the over-carry that has not been collected, but I think it has only to be asked for and it will be paid. It seems to me that this is the second, if not the third, year that this lag has occurred and I infer that it is due to lack of staff. If it is staff we require, it could be got, but it has a rather peculiar effect on my mind that it is the intention that the money shall be a windfall for next year.

I should like to refer in passing to the amount in the budget, roughly half a million, for contingent liabilities for the agricultural industry. I am prepared to say here and now that that money will never be paid out, and I think it is misleading for the general public. It is only a guarantee in case of practically the complete failure of the crops, and I do hope it will not occur, and I do not see how it will. A locust invasion would cause a good deal of damage in certain districts, my own in particular, which is one of the gateways, but I have not seen any signs of such an invasion. There was one on the skyline some time ago, but I have seen no intimation that locusts are moving south at the moment. I have not seen any reference either in the Estimates themselves or the memorandum regarding the report of the Central Committee on European Education, which put in a schedule which I understood had been approved by Government. I am referring to Schedule I of the last meeting of the committee that I have just referred to: Prince of Wales School £20,200, 1942—and I would like the hon. member when replying to say how much of that money has been spent. Then there is Kenya High School £52,500, 1942-1943—I should like to have a definite assurance that Government is going on with that and that the school will be finished if materials are available by the date mentioned in the schedule. Next is the Primary School, Nanyuki, £31,200, 1943—I should like to get an assurance that Government agrees with the necessity of that school; it has been long overdue, a primary

[Col. Kirkwood]

school in the Central Province. I hope it is a question of material and labour and not a question of finance. We have the finance, and I see no reason why Government should not give an assurance that if the material and labour are available and conditions allow that schedule will be ante-dated and completed before 1943 or in 1943. Then there is the Primary School, Nairobi, £10,450, 1944—I think myself if Government endorses the whole of the schedule it will be helpful. I see no reason why it should not be advanced. Why wait until 1944 if the money is available, the material is available, and the labour is available? The last one is the Modern School at Nairobi, £7,500, 1944—again the same remarks are applied to that as to the previous ones.

Generally speaking, I am sure that every member of this Council, whether on the Government side or on this side, will agree that one of our first cares should be the education of the children of this Colony. I think they will accept that, and I think they will accept the fact that educational facilities in Kenya are lacking to a very great degree. We have no college, we have a secondary school which is very good indeed and well managed and which gives good results, but it must be remembered that a large number of children are sent abroad for their education. A large number have gone to South Africa, and before the war a large number went to England. All those boys are still there, a great number of them, and instead of being at school they have joined up. I know of many boys 18 and 19, it would have been very risky to get them back under war conditions and they are doing their bit for the Empire by joining up. It is also a slur on Government that these children by necessity have to leave the Colony to be educated. We have the finances, probably two millions, in surplus balances, and I would predict that instead of a £68,757 deficit on the 1943 budget you will have a surplus of at least three quarters of a million. I am hoping that by the end of 1943 we may be able to build up our surplus balances to the region of three million pounds. Even the two millions mark has astound-

ed all of us, from the point of view that it was never anticipated. I will admit, and admit candidly, that we have not suffered a great deal as the result of this war; that is physically. Mentally we have suffered a great deal, the parents of children and wives separated from their husbands who cannot get permits to come back to the Colony; the family life has been broken. That causes a good deal of suffering. I do hope that Government will give every sympathetic consideration to my plea to accept that schedule and if possible even increase it, and if possible advance the dates of the schedule, because I shall never be satisfied myself we can say to everybody and every prospective settler and every parent that we have facilities in this Colony equal to any, or nearly equal, to any in any part of the Empire. We have the climate, we have the material, and I am looking forward to the time when Kenya will be the educational centre of East Africa, of the Middle East. The climatic conditions are great and are in its favour, and from the Empire point of view it will also have great advantages. This is one of the outposts of the Empire, and if the muddling politics at home (who have realised it too late), if they had studied the geographical position of Kenya and its potentialities in a great war like the one we are passing through now, conditions here would be different.

I should like to refer to a remark by the hon. Member for the Coast concerning the labour trouble. He mentioned a settler by name. It may be good propaganda—

MR. COOKE: On a point of explanation, I did not mention him by name.

HIS EXCELLENCY: That is correct.

COL. KIRKWOOD: I am pleased to accept that, and am sorry that I made the mistake; I understood that he did mention the name. It may be good propaganda technically, but it is bad policy to bring up what I term petty labour cases and make it appear that the settlers of the Colony are unfair to the natives, and if anybody gets that idea I say of the remarks that were made this is not the proper place to make them.

MR. COOKE: I might add, sir, that I am afraid the hon. member did not listen to my speech. I was referring to a particular settler so that other settlers of the Colony should not get a bad name.

COL. KIRKWOOD: I accept the explanation as far as it goes, but I cannot accept that the gentleman in question is a bad settler. As a result of those remarks of the hon. member, a settler wrote to the *East African Standard* and his letter appeared yesterday morning, and it is rather illuminating that he engaged, I think it was, twenty-three natives of the same tribe mentioned by the hon. Member for the Coast and that he put them on to road work, then he put them on to picking coffee, and they went on strike and demanded 33% increase. I only mention that because it shows how difficult it is to deal with natives. I have been dealing with them for over forty-five years, and I know how almost impossible it is to get at the mentality of a native. It does not matter how you work him, how kind you are. I hope that in future this Council will not be made the floor for information that can be made use of by the Creech-Joneses. I do not think that technically it is advisable and I hope it will not be persisted in.

As regards production, I think it is admitted that under present prevailing conditions in this Colony—and they are really the same conditions from the production point of view that have existed ever since the war started—we can do more to help in the war effort on the production side than we can on any other. We have the climate, the fertility, and we have the soil; what we are lacking is man-power. I stated before, that half of the settlers of the Colony have joined up, and if it is considered in the higher places that they must remain in the Services then production must suffer. But I do maintain that quite a considerable number of the absent settlers should be returned. Even if it were to their disadvantage, it would be to the advantage of production, and from that point of view their services would be very valuable if they were back on their farms. It is impossible to conduct successful farming operations under the

group farm scheme, which is one of the conditions that I myself believe has brought about the indiscipline of the natives and lack of output. It is not for me to say they should be released, I do not know the conditions, I am not Director of Man Power, neither have I any authority to release them. There is another point I should like to take up for a moment, and that is on the production drive: the development of undeveloped lands. I should like to state here and now that I disagree with any suggestion at all that might be forthcoming to put on a land tax under the guise that it is going to get those lands developed. I have suggested on several occasions in this Council methods that should be adopted by Government; that is, to acquire undeveloped land, treat it as crown land, and dispose of it as crown land to suitable applicants. There is a large acreage, a considerable acreage, of undeveloped land in the hands of Government, and I wonder whether they visualize taxing undeveloped Government lands if they did proceed with taxing undeveloped lands that have already been occupied by European farmers. In my own area you have some 12 to 13,000 acres surrounding a township, very good land indeed. It has a good rainfall and good climate, it has road facilities and rural facilities, there are all the facilities necessary for development, with all the amenities a farmer could wish for, yet that land has been held up for all time and nothing is ever done with it. Why Government has held that up I don't know. It was included in the settlement scheme in Sir Edward Grigg's time, but that scheme did not come to fruition. It is still available. I know of one 3,000 acre farm which has not a furrow. Either the owner should develop it or Government should take it over. Another 3,000 farm has 150 to 200 acres developed and the rest is lying idle, and there are many others; there are scores of them. If you could get rid of such farmers you could get at least 50,000 acres.

While these conditions prevail I should like an assurance from Government that they have no intention of going on with that fantastic wheat scheme on the Athi Plain. How much truth there is in it I

[Col. Kirkwood] do not know, but I should like to draw Government's fire and get an answer to know whether it is contemplated or whether it is a rumour by somebody who had no authority to put the rumour about, while land suitable for wheat growing in this Colony is undeveloped or else is growing other crops when it should grow wheat and they should be made to grow wheat? We know that in the Highlands there is the rainfall, and they have been getting it over a period of years, which is essential for the growing of wheat. You have got to know the rainfall and the months in which the rains are likely to occur. If you get fifteen to twenty inches of rain, unless you know that for a long period and when the rains occur it is going to be impossible for anybody but a lunatic to grow wheat on Athi Plains. I maintain they do not know the rainfall, because there are no rain gauges kept on this land, and they have to be very careful. I know that in some countries they can grow wheat on fifteen inches, but in those countries they are farmers; they know the land, and they have the rainfall over a period of a hundred years and know its variations and local conditions, which is also helpful. Any wild-cat scheme I want Government to be very shy of.

I should like for a moment also to ask Government what they are going to do about maize control. I am speaking on my own behalf, and I have no information from anybody. I simply tell you that maize control is the most successful control ever instituted in this country. A little while ago it controlled maize right out of existence, and if that is not a success I do not know what it is, and if the people running it are allowed to continue to run it they will do it again. I should also like to ask Government whether they can predict during this session when it will be necessary to import maize into this Colony—will it be before 30th June, 1943, or how long afterwards? You are going to have a shortage. I cannot see why maize control should not be wiped out completely; I cannot see either why a permit should be required to buy maize or posho for your pigs, poultry, cattle and for your

native labour and any other requirements that users of posho want posho for. It does not require control. You cannot store it beyond a year, or six months, and even that is dangerous. I have known it stored for twelve months, but it was more like meat meal than posho on account of the weevils. There is something marvellous going on in this control, because I understand the price of Sh. 9 is paid to the European farmer and it is being sold at Sh. 8/60, a difference of forty cents. I give full marks for that, because it is clever, but at whose expense is it being done? I have not been able to work out a proposition like that and get away with it, but these gentlemen pay Sh. 9 and sell at Sh. 8/60, but whether it continues or ceases I do not know.

I suggest that while I am criticising that, I should mention something constructive: do away with maize control altogether, wash it out, it is unnecessary. People are entitled to get what posho they require. You have in this Colony the Kenya Farmers Association. It is a very successful organization, and I am afraid that it has not got the support from Government that it deserves. It has helped you out on two previous occasions when there have been famines in the northern area. It has produced the goods. It is impossible for natives or anybody having native grown maize to produce in a crisis for the simple reason they have not got it, or the storage facilities, the transport, and a dozen other things where conditions make European grown maize a great asset through the K.F.A. when it is wanted in a crisis. I also believe it is true, and I know, that the K.F.A. charge twenty-five cents a bag to their members for handling the maize; that is a reasonable charge to cover overheads. I was responsible for the Plateau Maize Growers coming into operation before the Plateau Railway was built. This is generally forgotten by others. It was eventually merged into the K.F.A. A £1 share realised Sh. 43 when it was liquidated after very good work. I only mention that to show you that I know something about the matter, for I was chairman in 1925 when I resigned, as I was starting a private business of my

[Col. Kirkwood] I suggest that you wash out the Maize Board altogether, it is quite unnecessary, and any assistance that you want in the way of supplies, in the way of statistics, or in the way of posho or maize, you can get it easily or better from the K.F.A. without costing the country one penny. I hope something will be done, and done quickly; it is long overdue.

As regards potatoes, the same remarks more or less apply. When you brought in potato control and they found there was a plentiful supply they immediately reduced the price to the producer who immediately reduced his acreage. The producer cannot produce as a war effort. His war effort is to produce, but he cannot if he does not get a reasonable figure for his produce. Potatoes are reported to be scarce to-day and there is going to be another famine. You may be right, but I see no shortage of potatoes. I do not know where they are short—they are not short in Nairobi (laughter), and there are a lot of potatoes in the ground which could be dug to-morrow, but they would be better left for another month. The gist of the whole thing with maize, potatoes, and any other food crop grown by producers is that all you require to increase or maintain production is to give him a reasonable price for his labours and produce, and then you will find the farmer react, but it is absurd to expect him to produce at a loss or just at a price to cover cost. They are having a wonderful time in England. I have not the figures to give this Council but I know from letters I have received from home fairly regularly by airgraph that they are getting very large prices, and I would go so far as to say that to-day the prices in England are higher than ever. They do not begrudge the farmer. If he is wanted to produce and to keep on they pay him for what they want him to do. Take maize. I understand it is Sh. 15 in South Africa, and at the moment Sh. 9 in Kenya; I believe it is Sh. 12/50 in Southern Rhodesia. Why Sh. 9 when the cost of production has gone up terrifically, and I am sure the hon. Director of Agriculture will agree with me that it is almost impossible to replace ploughs and spares. We make

our own jembes of sorts, but spares for machinery are definitely not there, and when you get them you have got to pay through the nose for them.

While on that subject I should like also to refer to the distribution of commercial commodities, spare parts, etc. What has happened in Nairobi is that you have several large firms who are wholesale importers and always have been, and some of them are also retailers. They do the wholesale importing and retailing in their own shops in Nairobi. They have sub-agents up country who are practically getting nothing and will have to close down. I should like to know whether it is Government's intention to close down these outside businesses or if they will think out some scheme of taking action whereby those shops can at least make a living? If not, the trader situation will be very very serious indeed, and it only requires a tour through Nakuru, Eldoret, Kitale and elsewhere and to walk into the shops to see the emptiness of them and to hear the tales of woe from the proprietors. I maintain that at least fifty per cent of the goods imported should be distributed by the importers to their sub-agents. Government may find some other way, but I do ask for consideration for these people. You are taking heavy licences from them, which is not a charge for trading, and in this Colony it is only put on as a form of revenue, not as a form of protection. Again, if you cannot give them the goods they cannot make a success of their businesses, and it would be better for them to close down, or otherwise reduce the licences or abolish them during the war. It seems to me most unfair that these people are to be put in the position they are in to-day through lack of action in Nairobi by Government.

Regarding the Information Office, I can give you a recommendation—close it down. I think Sir Stafford Cripps was reported to have said a little while ago that to inform the public is to give away information. Evidently the Kenya Information Office has taken that to heart and they give nothing away for fear they might reveal something. Seeing that no list of pensioners appears in

[Col. Kirkwood] will usually used to be printed and I used to get some amusement from it and some information. There were three retired managers of the Railways still on the list, and probably another has been added since then. But apparently pensioners never die, they go on for ever like the slaves at Mombasa. Would the hon. Chief Secretary also tell me in his reply what he expects the amount of the pension list to be for 1943?

I will not detain the Council any further beyond saying that I know your difficulties, sir, I know Government's difficulties, and I know the difficulties of boards and committees, and I know that the more you appoint the greater the difficulties become. The question is whether you could not appoint a committee now to see what committees you could do away with and appoint another to see that the committees and boards left function!

Mr. PATEL (Eastern Area): Your Excellency, it is not for me to discuss the higher State policies of Colonial Office control over this country or the relations of this Government and the adjoining territories, because as an Indian representative my vision is generally obscured by the dust of various grievances and difficulties which the Indian community in this country have to face from day to day. Therefore, I feel inclined to confine myself to questions which affect us from day to day and which we do not otherwise get an opportunity to make public. It often happens that from the Government side our questions do not receive the attention which ought to be paid to them, perhaps not deliberately but because the Indian community, or their representatives, have not that social contact which will create circumstances for an appreciation of their difficulties and grievances.

I think personally that the revenue estimates are conservative and at the end of 1943 are likely to be exceeded, though, as the hon. mover said, there is a great deal of uncertainty about it. Expenditure has steadily increased during the last three years and will probably still increase during the

course of 1943. In one respect I feel inclined to remark that the Government ought to have taken steps to announce the war bonus payable to Civil Servants earlier in order that this Council might know the extent of the deficit the country will have to face. Earlier steps should have been taken to obtain the report of the Relief Committee. I should like to make a few remarks in regard to the revenue side. I am glad that Government has not thought fit to increase taxation this year, because if any attempt had been made to increase the customs revenue it would have had an adverse effect at this time owing to the increased cost of living, and it would have placed a greater burden generally on the population which cannot afford to make both ends meet. In regard to income tax, I personally believe that if it is necessary to raise more taxation, that is the one which can conveniently be touched at this juncture, but when I hear the hon. mover say that for lack of staff the Income Tax Department is unable to get in more returns, I do not understand why the Income Tax Department has consistently refused to avail itself of Indian clerical work. It appears that that department has some strong prejudice, an unfounded prejudice, against taking Indian clerks into the Department. It would certainly have helped them in getting more returns, in getting their assessments quickly and thus securing more revenue. It is well known that to-day the assessments are in some instances in arrears for the last two or three years. I would submit that the Income Tax Department should abandon its prejudice against the employment of Indians and by employing them in the department make an effort to get more returns.

In regard to the Customs Department I should like to make a few comments. I welcome the additional provision which has been made to employ additional staff to prevent customs frauds which took place some few years back, but at the same time I cannot help but remark that some of the officials in the Customs Department have overdone the thing in some respects. They have failed to appreciate the system of the manufacturer of piece goods in India; and

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 through not understanding what the process is there they have created cases unnecessarily and have brought real hardship on some importers. To give an instance, Indian manufacturers sometimes introduce a few threads of artificial silk into the Indian saris, Indian dothies and other piecegoods, two or three threads, to give a certain glaze. That is their system and they do not declare that there is artificial silk introduced; they only state that these are piece goods. The exporter in India does not know there were any threads of artificial silk, the importer does not know that, and still the Customs say that if they do not declare that it is artificial silk the importer will have to pay a penalty and it will be considered as a Customs fraud. Now, I have known cases in which the Customs Department themselves were unable to say whether there were two or three threads of artificial silk; they had to send it to the Government Analyst to find out whether there were two or three threads in the whole piece or not, and after they had obtained the report from the Government Analyst that there were two threads, the man was called upon to show cause why he should not be fined. On account of this the poorer section of the Indian community who use these Indian saris, which ought to be taken as wearing apparel and not piece goods, have to pay higher prices for their saris owing to increased surcharge. That, I submit, has taken place because the Customs officials have completely ignored circumstances prevailing in India and the needs of the Indian community of this country. The other thing which has happened is that the customs agents who handle these goods, who do not know—who cannot by any human effort know—that there are one or two threads of artificial silk in these piece goods, have been called upon to show cause why their customs licence should not be forfeited. Now, one cannot understand why such steps should be taken. Is it merely lack of imagination or lack of understanding? How can the customs agent, who clears goods for up-country districts, for Nairobi, Uganda and elsewhere, be expected to know that there are one or two threads of artificial

silk in piece goods, when even the customs official cannot say; and to call upon such customs agent to show cause why their licences should not be forfeited because they have had bad experience in the past, is in my submission unjust.

The other point which I wish to refer to on the revenue side is the royalty on salt. I find that in 1941 the royalty paid was £283, in 1942, £150, and it is estimated again for 1943 at £150. You may be aware that a few months back there was a shortage of salt at Mombasa. Mombasa used to import salt from Aden and other ports in the Middle East. We have only one combine on the coast to manufacture salt, and that salt was not sufficient to meet the needs of the coast and if it had not been for the fact that some ships which had no goods to bring came to Mombasa from Aden bringing salt as ballast, the population of the coast would have been faced with a great shortage of salt, and would have been compelled to go without salt, which is a great necessity of life. I submit that Government should inquire into and formulate some scheme for the manufacture of salt on the East African coast. Why, when we have a sea coast, should we import salt from Aden and other ports in the Middle East? Some effort should be made to meet our own needs in this country.

The hon. member representing Arab interests raised the question of pensions for Liwalis, Kathis and Mudirs, and I think he was justified in raising that question, but I would raise another very important point in regard to those courts which are known as Muslim subordinate courts. The Supreme Court has given different rulings about law and procedure to be followed in these subordinate courts. One ruling is that the law is Muslim law of procedure and evidence; another ruling is that the law is the ordinary law as applied to this country. On account of these conflicting decisions it is hardly known by those Arabs who practise in those courts, and it is hardly known to the Liwalis, or the Kathis, or the Mudirs who have to administer that law, what law of evidence and procedure is to be followed, and the poorer Arab and African litigants have had to undergo considerable

[Mr. Patel]
 expense in appeals, and on account of these rulings the appeals invariably succeed and the poor litigant has to pay the heavy cost of both parties. I think it is high time that the whole question of the constitution of these courts, the law applicable to them and who are the litigants who should appear before these courts should be finally decided. For example, if Muslim law of evidence is applied, it lays down certain procedure as to how many witnesses can prove a certain fact, or how the evidence should be given to prove a certain fact, and so on. What happens if both parties are Christians and they come to these Muslim subordinate courts; does Muslim law apply to them? It is a very difficult question which has been overlooked for many years and which has created great difficulties for these courts and for the persons administering the law in these courts. I submit that the whole matter should be thoroughly investigated.

The next question which affects the coast to a great extent is the milk supply of Mombasa. It is well known to-day that there is a shortage of milk and there are many families who have to go without milk, even families with small children. Something should be done to increase the milk supply of Mombasa by encouraging the Africans in the native reserves nearer to the coast to produce more milk. Moreover, efforts should be made to improve conditions by the removal of tsetse fly so that cows can be maintained on the mainland. To-day no cows can be kept on the mainland because they will die of sleeping sickness. Unless a serious effort is made to deal with this matter I think Mombasa will meet with a great shortage of milk and there will be a hue and cry from the general public.

In regard to the education of the Indian community I desire to mention two small points. Firstly, it is not generally appreciated, particularly by the unofficial members of the Standing Finance Committee, that the grants-in-aid paid to Indian schools is a great saving to the Government. If the Government were to take over all these private schools which are paid a grant-in-aid, they would have to meet expen-

diture perhaps five times as great as they pay in grants-in-aid. It is the responsibility of the Government to maintain schools at those small centres where there are more than fifteen to twenty boys, but instead of that the Indian community in these small centres has to run those schools, and if a small grant-in-aid is begrudged to them I submit it is a great injustice. The second point is in regard to the bursary vote. I am aware that the hon. Director of Education is very anxious to secure more money for paying bursaries to Indian students going overseas, but due to the need for economy the Government is unable to increase the vote, and therefore this year we have to pay a bursary to only one boy, while in the past we have paid every year to not less than two boys. I hope that the Standing Finance Committee will consider the representations of the hon. Director of Education in regard to this particular item, and will increase this vote by £50 to £100 in order that the Education Department may provide one more bursary as was done in the past. There is a great need for an inspector of schools at the coast, which post was abolished during the time when we had difficulties in this country in balancing the budget, but I hope that when times improve this post will again be filled. I think that it is urgently necessary in the interests of Indian, Arab and African education that there should be one inspector of schools permanently stationed at the coast.

One item which appears in the draft Estimates under the Indian Education vote is provision for the employment of a principal for the Indian Government Girls Schools at Nairobi. On page nine of the Memorandum it is suggested that it is necessary to employ a European principal for that school. I have ascertained the views of the Indian community of Nairobi and they do not desire to have a change in favour of engaging a European principal. They are desirous of seeing an Indian principal run that school. As a matter of fact, the general opinion of the Indian community is that all the Indian schools should be managed by Indian principals, and that demand will be put forward with greater vigour as time passes on.

[Mr. Patel]

It would be unreasonable now to introduce one more post of European principal in the Government Indian Girls' School, Nairobi, and I hope that the hon. Director of Education will not make that change as he has indicated. At the same time I must say that he is probably doing it with the best of intentions as he thinks that by doing so he can improve the standard of education. I have heard one of the officials say that sometimes it is necessary not only to be just but to appear to be just. Now that the bulk of the Indian community is against the employment of European principals in the Indian schools, and that they believe, and their representatives believe, that these schools can be efficiently run by Indian principals, I think the hon. Director of Education should not take an arbitrary step.

I will now refer to the remarks made by the hon. Member for Mombasa in regard to the overworked magistrate in Mombasa. Great injustice has been caused to the public of Mombasa by the delay in litigation because the resident magistrate, Mombasa, has been called upon to discharge the functions of Deputy Registrar, *ex officio* agent for the Public Trustee, and what not. In this respect I must state one thing, that the needs of Mombasa, so far as the Judicial Department is concerned, have always been overlooked. Whenever there is any change in the Judicial Department they always prefer to keep the post vacant at the coast, not at Nairobi nor in any other part of the Highlands. If there is no Registrar available, they say there should be no person functioning as Registrar in Mombasa. If there is a resident magistrate who is sick, they say the District Commissioner should carry on the work for a few days at Mombasa; in other places provision must be made. That is very unfair. At the same time, whilst on this point I should like to draw the attention of Government to an experiment which has been made in Uganda, the experiment of appointing honorary magistrates from practising lawyers to carry on certain work, and that experiment, I am told by a very reliable authority, has succeeded very well, and

I invite the Government to inquire what steps have been taken in Uganda and how it has been managed.

In regard to the medical vote, I would like to say one thing, that one of the post-war problems, and a very urgent problem, will be that facilities should be provided for Indians for medical treatment. We have been pleading for this for the last eighteen years. When I was quite a newcomer to this country, in 1924, a meeting was held in a public theatre at Mombasa and we were told that a group hospital scheme was coming into force very soon and that the Indians should support that scheme. We all supported it and we have been waiting for eighteen years to see even the foundations laid of that group hospital! As to the intention that something will be done as soon as the war is over, I think some token vote should be inserted by the Standing Finance Committee in the Medical vote so that we can believe that sometime we will have medical facilities, at least in this generation. I may at the same time point out the most urgent need which should be met during the war. The Indian wards in the hospitals at Mombasa and Nairobi are overcrowded, and something should be done to provide temporary extensions. In this connexion I want to make one other suggestion that, as is done in the case of the European hospitals, private Indian practitioners should be allowed to treat their patients in those wards, but the difficulties about the place are such that I think we shall have to wait until something is done after the war.

On the vote for the Public Works Department, I raised the question two years back and should like to raise it again, that the main coast roads and subsidiary roads are still not as they ought to be. They are closed several times a year, and the poor Africans are unable to transport their produce to Mombasa where they get money for it. Sometimes charcoal, which is absolutely necessary for Mombasa, remains in the reserves untransported because the head of the Public Works Department in Mombasa thinks it has rained sufficiently and therefore certain roads must be closed to all transport, and he arbitrarily decides when they shall be opened

[Mr. Patel] again. Meanwhile, there is no transport for the produce such as fruit and other things, and Mombasa goes without.

I should also like to mention something about the various controls and restrictions. The hon. member Mr. Paroo has already referred to some of the difficulties about imports control, and I think it was criminal negligence when they delayed the issue of licences of foodstuffs from India during the dhow season when it would have relieved the pressure in Mombasa. I am informed that licences were issued yesterday after the question had been raised in this Council, otherwise they would have been delayed a few weeks more. The Import Department should understand that there are some most essential articles which traders must have immediately. The other point on which I have been asked by the bulk of the Indian community and the Indian Medical Union of Nairobi and the Consumers Associations of Mombasa and Nairobi to raise is about wheat flour and atta. When the adulteration of maize in wheat flour was decided a few months ago, we were told that it was a temporary measure, and so we were informed in Mombasa, Nairobi, and elsewhere. The Indian Medical Union has authorized me to state publicly that they have watched very carefully the effects on Indians of this national atta. They state that the main item for most Indians is chapatti made from wheat flour, which they have made for generations from pure wheat flour. This adulteration has definitely done harm to the digestive systems of the Indian community. I asked them over and over again very carefully, and they repeated that, and I understand they have made representations to Government officially. If that is the opinion of the Indian Medical Union of Nairobi and as there are no reasons for maintaining that admixture, I appeal to Government to abolish this adulteration as early as possible. One of the grievances which I must put forward very forcibly is this, that in the case of the national flour the adulteration has

been reduced to fifteen per cent while in the case of the national atta the thirty per cent is still maintained. I do not understand that. I think that perhaps the Director of Produce has not given careful consideration to the needs of Indians, again because we have no social contacts with those who count. Chupatties are the main food of the Punjabi section of the Indian community and the main food for most Indians, and if the Medical Union is of the opinion that the adulterated flour is injurious to the digestive systems and increases the incidence of disease it should be abolished as early as possible.

Another point which I desire to raise in this connexion is that by establishing various controls and in the operation of those controls scant attention is paid to the existing Indian interests. I am not advocating that controls are not necessary for the war effort or the prosecution of the war and should not be established. They should, if necessary for the war effort, but at the same time careful attention should be paid to the existing interests and to see that they do not wrongly suffer any loss. I will give one or two instances. One, which was referred to by the hon. member Mr. Paroo, is in regard to oilseeds. Some Indians had oilseeds for export and had made contracts with merchants in the Middle East, as they had done for many years. All of a sudden, they were refused export licences and told to hand over their stocks to the U.K.C.C., but Government failed to make an arrangement that in those cases where the Indians had purchased those oilseeds before this arrangement came into force that the stock should be taken over at cost price the same as was paid by the merchants. They were asked to hand over their stocks at a loss. In Tanganyika, Kenya and Zanzibar the Indian merchants lost very heavily. One small case came to my notice only last week. Before the Control was established for stock feeding, a certain Indian merchant who was always exporting simsim cakes to South Africa and other parts and made his purchases at Mombasa at Sh. 85 a ton. When the Control came in, licence to export was refused, though he had made a contract on which he would have made

[Mr. Patel] The control price established thereafter was Sh. 57/75 a ton, and that merchant was asked to hand over his stock to various farmers up country and to do it immediately, otherwise he would be prosecuted. That is not fair. If control is necessary, prior investigations should be made to see if any people have stocks on hand what steps should be taken to safeguard such people. If anybody buys such stocks for speculation it is a different thing, but those merchants had made contracts in the normal course of events for the purpose of exporting, and so it had been very unfair to overlook their interests.

I should like to mention the matter of trading licences and the restriction of the issue of new ones. I think that Government was hurried into passing those Defence Regulations under false information. There were certain businesses in Nairobi for which no trading licences had been taken in the past, amounting to hundreds, and during this year they were required to take out licences. It appeared as if the number issued increased by 500 or 600 immediately, and therefore Government was hurried into passing those Defence Regulations. I have no objection to that, but I do object to the board not allowing the officials concerned to approve of the transfer of licences. For example, where a business is sold as a going concern or is turned into a limited company, I have noticed for some time in Mombasa that the licensing officer has transferred the licence as a matter of course. Then he is given instructions from Nairobi that he must not do that but that he must refer such applications back to the board, who will not issue the licence for a month or two, in spite of reminders. The hon. and learned Attorney General will perhaps bear me out that the legal effect in such a case was that the purchaser of a business or a new company carrying on the business would be doing so without a trading licence and could not sue for anything sold on credit because of having traded without a licence. That is the position which has arisen in the case of three or four transfers in Mombasa alone. Ultimately the board has given its

approval and the trade licences were transferred. I do not see why the board should not lay down certain principles and say that in such cases the revenue officer can do the needful, but that when an application comes in for a new licence it shall be decided on its own merits by the board.

I support the hon. Members for Mombasa and the Coast on the question of removing the restrictions on entering the coastal area. I think it is unnecessary to retain that control now, and it is unnecessary to overburden the Provincial Commissioner of the Coast who has to interview people who ask for permits. He has to waste his time, and that is unnecessary now. I also associate myself with the hon. member Dr. Wilson when he spoke about the expenses incurred in regard to Controls and which should have been placed before Council for consideration and criticism. It is not right that the money of the taxpayer should be spent by the various Controls without any exercise of control by this Council. They may spend any money they like, and that is what has been generally felt in regard to one or two Controls, that more money has been spent than ought to be and more than some Government departments spend. One question was raised by the hon. member Mr. Paroo in regard to the Kitui ginnyery. If it were an individual case I would not refer to it, but it does raise certain questions of principle, and that is why I associate myself with the remarks made by him, and will supplement them. This particular Indian merchant was encouraged by the Agricultural Department's encouraging reports on cotton growing to spend £10,000. Even in 1937 he was asked to erect certain stores and godowns approved by the medical authorities, and no consideration was given at all as to whether that ginnyery would be profitable or not. It is very unfair to the general public that they should be invited to go into any industry where the prospects were so poor as is now made out by the Agricultural Department. The department interested three persons to put ginnyeries in the Central Province and have now found that they are all failures. In this particular case, I must associate

[Mr. Patel] myself with the hon. member Mr. Paroo that it is the policy of the Agricultural Department which ruined the merchant. If they had taken care to encourage cotton growing that merchant would not have been placed in the position he is to-day, and I appeal to the authorities concerned to see that something is done to give an alternative occupation to those ginnyeries which have been built at a very high cost.

I did not want, as I said at the beginning of my remarks, to touch on the high state policies which have been referred to by certain members, but I do feel inclined to make one or two remarks in regard to closer union and Colonial Office control. As is well known, the Indian community have refrained from raising any political controversies during the war. They have always maintained that during the war they should not create embarrassment by raising those questions. We have our own views on these questions, and they are divergent to European views, as is well known. We would prefer to discuss those questions, if necessary, after the war. As we have declared so many times in this country, whatever our differences are with Government, and with the non-official European community, we prefer to do what we can now for the war effort. We have even stated publicly that we will not be influenced under any circumstances by any of the events that take place in India. We may have certain sympathies with some of the national movements in India, or hold in high esteem certain of the Indian leaders, but that will not affect us in any manner whatever as far as our attitude to this country is concerned. We are inhabitants of this country, and stand by it under every circumstance, and propose to do it. The question of control by the Colonial Office, closer union, and other such matters, in my view raise political controversies of a highly controversial nature. However, I am in complete agreement with the hon. Member for Mombasa when he suggested that there should be an effort made for a round table conference to discuss those questions at this juncture. That nobody can take exception to but, as I informed

this Council last session, the Indian community and the African community of Uganda and Tanganyika are decidedly opposed to any form of political closer union as long as they are not assured of certain safeguards and as long as they distrust certain elements in this country. In regard to control by the Colonial Office, it is well known to all that as far as the Indian community is concerned they have always preferred to have control by the Colonial Office as long as their position in these territories is not safeguarded. We do not say that we should be raised to a certain position at once for which we are prepared to fight and go on fighting, but what we are afraid of is what has been done in other parts of the Empire, that we may be pushed back, and unless certain safeguards are forthcoming, as far as the Indian community is concerned it has maintained and will maintain that Colonial Office control is absolutely necessary for a country where mixed populations reside and where democracy is only ruled by a small section of the community and not by the general population of the country.

With these words, I beg to support the motion before Council.

MR. SOUD BIN ALI (Arab Nominated Member): Your Excellency, I must say that I am in full agreement with what the hon. Provincial Commissioner for the Coast said about the Arabs. We as members have appeared before this Council from the first to the present day, but without having any connexion whatsoever between us and the Arab electors. From the day that the Arabs were first represented on this Council to the present there has never been a meeting of any kind whatever between the members and the Arab community. Whatever has been expressed before in this assembly has been the opinion of those members or their friends, and whenever I have consulted some members about this the usual reply has been that the Arabs are ignorant. Your Excellency, I think this is a wrong procedure. Whether they are ignorant or wise, it is up to us as members to see that we fulfil our duties in consulting the Arab community, and I am trying now to make such arrangements. I have spoken

[Mr. Soud bin Ali]
to a few Arabs and hope in the near future to have a meeting to discuss matters, and after that I may be able to say something about them.

MR. BLUNT: Your Excellency, there are a certain number of agricultural matters which have been raised in the course of this debate on which I would like to speak shortly. The first point was made by the hon. member for Aberdare when he suggested that the sum of £25,000 appearing in the Estimates for the breaking of new land was not enough, and he pointed out that this probably represented about 20,000 acres. I am sorry that the chairman of the Agricultural Production and Settlement Board is not in his place, because he might have taken up this question, but in my view that figure, although it is not as large as I would like to see, is probably going to be adequate under the circumstances of next year. We must not overlook the fact that the limiting factors in further production, particularly in European areas, are going to be the men, the machines, and the labour, and I gravely doubt whether, unless we are successful in obtaining a considerable number of men back from the army, the capacity of those who are on the land at present will be up to maintaining a very largely increased acreage under production. I would like, however, to make a point which I endeavoured to make at the last meeting of the Agricultural Production and Settlement Board: that in my view the way in which we should tackle this question of increased production of cereals and other requirements for war purposes is not so much by extending our acreage as by more intensive farming of the acreage that we have already under the plough. I am quite confident that if we really got down to more intensive systems of farming, we can increase our production from our existing acreage very considerably. And that, to my mind, is the way we should tackle this problem, for apart from the fact that it is the best way of handling the land, it is the way in which we shall save most of those items of which we are short—man-power, machinery, and labour. It will be within the knowledge of the hon. member that at the last

meeting of the Agricultural Production and Settlement Board a committee was appointed to go into this particular question and to make recommendations to the board as to the way it thinks this more intensive farming programme could be carried out, and particularly to suggest means of encouragement and assistance in the provision of fertilisers and higher farming generally.

While I am on the subject of matters connected with the Agricultural Production and Settlement Board, may I refer to the remark made by the hon. Member for Trans-Nzoia about the scheme for planting wheat on the Athi Plains. I should like to assure him that the information that was broadcast by the B.B.C. to the effect that 100,000 acres of Athi Plains would be put under wheat was unauthorized and inaccurate. There was never any suggestion of the kind, but the reporter who gave the information got somewhat confused in the number of noughts he had to put on the figure. Actually, the proposal at the moment is that we should get some 800 to 850 acres in that area under the plough now, and that area has been broken and will be seeded early in the new year. If that is successful, there will be an extension, but I think the greatest extension that was ever dreamt of was 10,000 acres, not 100,000 and I do not imagine that we shall get anything like the figure even in 1944.

The next point I would like to refer to is the tea position, which has also been raised by the hon. member for Aberdare. It will be recalled that a motion by the hon. member was debated in April last in this Council, and at that time representations were made to the Secretary of State by Government that we should not renew the tea agreement and thereby continue to confine our acreage under tea. A considerable amount of correspondence has ensued since then, mainly by cable. Arguments were adduced as to why we should continue to support the international tea agreement, but I must admit that those arguments made little impression on me at any rate, and did not cause me to alter my views. At a later stage the other countries grouped under this scheme came into this question. It is a ques-

[Mr. Blunt]
tion not alone for Kenya but also concerns Uganda, Tanganyika, and even Nyasaland. Tanganyika was not prepared to go quite so far as we were in the matter but did say that they wished that permission should be given to increase the area under tea by fifty per cent both in acreage and exports. Quite recently a further cable has been sent representing the views of all three territories on this question, and pointing out that we cannot see our way to extend our co-operation further with the signatories to the international tea agreement unless our claim to a progressive increase in acreage for planting is realised. The suggestion has also been made, and has been accepted, that a representative of these three territories should be appointed to the International Tea Committee to be able to put our views before it. It was suggested that one of my predecessors, Mr. Holm, should take on that job, and he has accepted it. We have now prepared him a very lengthy and full brief to enable him to present our case, and I feel confident and I think members of this Council will agree, that he will do his utmost to see that we get what we want.

I will now turn to two questions that were raised by the hon. member Mr. Paroo, and first of all I will deal with the matter of the Kitui Ginnery. The facts of the matter were that some twelve years or more ago it was thought that cotton growing in the Kitui and Machakos District might be satisfactory. Experiments were carried out which showed some promise and it was decided to embark on cotton growing in that area. Favourable seasons in about 1935 and 1936, coupled with a great deal of work both by administrative and agricultural officers in the area, succeeded in producing a certain amount of cotton, and it was thought at that time that cotton growing in that area was sufficiently likely to succeed to warrant the erection of a ginnery. The hon. member, however, suggested that the firm to which he refers was induced to put up a ginnery. Now, I think that hardly represents what happened. The ownership of a ginnery appears to be regarded as a profitable undertaking, and on any occasion when

there is any chance of a ginnery being put up my Department is liable to be inundated with applications from various people who wish to put it up, and I might almost say that on occasions almost a free fight ensues as to who shall have that opportunity. In this case I do not think it is fair to suggest that we induced anybody to put up a ginnery. We agreed that a ginnery might be put up, and the firm in question was successful in their application against their competitors to be allowed to put up this ginnery. Subsequently, however, a series of unfavourable seasons and the dislike of the natives of Kitui for cotton growing resulted in a progressive decrease in the production of cotton, and soon after I came to this country I examined the whole question with the Administration and with the agricultural officers who had worked in that district and we had regretfully to come to the conclusion that under existing circumstances we could not justifiably foster cotton growing in that area. It was too unsafe and too risky from the point of view of the native; he did not want to do it and we therefore said that we would cease to encourage him to do it. It may be, and I hope it will be, that at some time in the future we shall be able to breed or produce a sufficiently quickly maturing cotton to give a satisfactory crop in that area, but at the moment we have not got that cotton and I cannot really justify any further encouragement being given to the crop in the area. I admit that it is unfortunate that this ginnery owner should have sunk his capital into a ginnery which is now a white elephant, but I believe that some time some use will be made of that ginnery.

There is one other point on this question on which I should like to correct the hon. member. He suggested that we had cut out the growing of cotton to foster the growing of tobacco. That hardly represents correctly the position. It is true that, while cotton growing was declining in the Kitui area, we were at the same time fostering the production of "bright" tobacco, but the two things hardly conflict to the extent that he suggested since cotton in Kitui

[Mr. Blunt] has always been grown as a short rains crop, whereas tobacco is grown mainly in the long rains, and secondly the crop under tobacco is so small that it could hardly affect cotton production to any very large extent.

Another matter referred to by the hon. member was the question of Hard Coffee Control. This is hardly a matter which affects this country at all. Certainly from the agricultural point of view it does not affect it since we produce no hard coffees, but it does affect certain Mombasa merchants. The position is that the hard coffees produced in Uganda and Tanganyika were recently brought under control, and the authorities in those two countries desisted to minimise as far as possible a certain amount of war-time speculation which appeared to be creeping into the business, and they suggested that either they would have to appoint their own selling agent or they would have to come to some arrangement, such as has been come to and has been legalized by our Hard Coffee Control Regulations. I believe, that every care was given in coming to this arrangement in Mombasa to see fair play for all those who had been in the trade to any appreciable extent within recent years. It is true that the effect of those Regulations has been to cut out newcomers to the trade, but I suggest that that is entirely justified, and it may be that it has cut out a few of those merchants who dealt only to a comparatively small extent in hard coffees in the past.

I will now refer to some questions raised by the hon. member Mr. Kassim. First of all, he suggested the encouragement of rice growing on the Tana River. Members will be aware that this question was gone into very thoroughly in 1934 when Messrs. Harris and Sampson examined the whole position on the Tana River and submitted a most valuable report. That report suggested that if any large scheme were to be contemplated for the Tana River area at least a further three years survey would have to be undertaken, and that that would afford sufficient information on which to consider whether Government desired to go on

with a large scale scheme. That, I think, rules out at present any question of large scale development, but there is a certain amount of rice growing in that area and that rice growing has been encouraged so far as this Department has been able to do so with the staff at its disposal, and three or four years ago we appointed a special officer for the purpose. But that rice growing is definitely limited to comparatively small areas for the reason that the river does not permit of great expansion unless it can be brought under large scale control. Rice growing in that area is, particularly in the upper reaches, a precarious business. The rice is planted close down to the flood level and if floods should come, as they frequently do during the growing period, there is liable to be a complete loss. The hon. member referred also to the possibilities in this country of growing onions on a larger scale, and spices. It will be recalled that the hon. member asked a question on spices earlier in the year in this Council and that I gave an assurance that as much encouragement as is possible would be given if the demand and prices offered seemed to warrant it. There is, I can assure him, an increase in the production of onions in this country now. I cannot say the same of spices because there does not appear to have been much encouragement in the form of demand or price, and further, crops of this kind under existing circumstances appear to me to throw an undue burden on those who have to get them grown, and the energy and work which it is necessary to put into a new and small crop of that kind can be spent to better purpose on the encouragement of more extensive production of better known crops. I will, however, undertake to do what can be done in the way of stimulating production of certain of these spice crops.

The hon. Member for Mombasa referred to the poultry position and suggested that action should be taken to encourage the production of poultry for sale. This question was taken up some two years ago, and in December, 1940, I wrote to all my officers pointing out the difficulty that was arising. The chicken has a dual purpose; for use either directly as a chicken for food or

[Mr. Blunt] for egg production, and you cannot have it both ways. There was an enormous demand for eggs, but at the same time there was a heavy demand for chickens, and it may be that the price for chickens has been a little bit higher than it should have been, with the result that the stock has undoubtedly, in spite of the efforts of my officers to prevent it, been somewhat depleted, and I am afraid that that picture is liable still to continue, and that in areas from which chickens for food can be supplied there is developing a shortage of eggs. Fortunately, we have been able to rely for our egg supplies on other areas, such as Nyanza, previously untouched, but I can assure the hon. member that we have done and will continue to do what we can to provide both chickens and eggs.

The hon. member Dr. Wilson referred to the question of co-operative societies, and suggested that the time to do something was now. He agreed with my remarks made at the last session of Council, I think, that it was desirable that a movement of this kind should grow from below rather than be imposed from above, but he suggested that we ought to plant the seed and set it growing. There I agree with him. He also suggested that a brand new department should be established for the purpose. There I am inclined to agree with him, though I doubt if this Council would agree that three new departments, which I think he suggested, should be opened.

I would like, however, to sound a note of warning on this question. The history of co-operation in the world from the time when it started has not been a particularly happy one. It is true that co-operation among natives if it is satisfactorily run and well guided may do a tremendous lot of good, but if not it is liable to create trouble. If I may give a little account of one case in which I have had experience, it may serve to drive home the great danger of embarking on such schemes without adequate or properly directed control. In another colony in which I served

at one period it was suggested to the authorities in that colony that the proper way to deal with their difficulties in regard to the indebtedness of the native population was the establishment of co-operative credit societies. That sank in, and it was decided to establish these societies, and money was voted for the purpose, a considerable sum. The thing went ahead like wild-fire, and in less than two years something over 500 of these societies were established in the island. It was fairly easy, because the general idea the population got was that all they had to do was to put their names to a document accepting joint and several responsibility for the loan and then the money was weighed out. Everything went merrily for a bit, the standard of weddings and funerals went up about 100 per cent and the parties thrown are still remembered there. After a year or so, the position was no better than it had been at the start; in fact, it was worse in that an additional burden of debt represented by the loans was hung about the necks of the people who had had the money, and the proportion that had been expended on real capital improvements to enable them to produce more and make more money in the future had been very small. To cut a long story short, the final outcome was that of the number of over, 500 societies established only twenty-eight survived. The rest had to be closed down as a total loss. It took a good deal of doctoring and very careful nursing to get even those twenty-eight societies to survive. I had the misfortune at the time to be in charge of the department that did the doctoring, and I hope it will not happen to me again.

There is only one further point I wish to take up, the one made by the hon. Member for Tran Nzoia. I do not want to enter into a further explanation of the reason why maize which is purchased at Sh. 9 is sold for Sh. 8/60; I tried my best to give that explanation at an earlier meeting of Council. But I would like to take him up on the matter of the Potato Control. He suggested that when the Control came in supplies of potatoes were plentiful and that then the price was dropped, and as

[Mr. Blunt] a result no further planting or little planting of potatoes took place. That is not quite the fact. Potato Control came in, and the price which the Control paid in the early stages was very considerably higher than the price which had prevailed in the native areas before the Control, and that price up to the present has remained higher to the native than he has been used to getting. I do not believe that he has reduced his acreage one little bit, but rather that he has increased it. The reason for the shortage is quite another matter, and it is the unfortunate fact that we have suffered in the past two potato-growing seasons from a severe outbreak of Irish Blight. How that came to the country or when it came is uncertain, but we have it, and it is one of the most serious diseases of potatoes which can afflict them. It is one which has in the past been responsible for such things as the Irish famine, and is a difficult one to combat. It can be countered, and I believe we shall succeed in so doing, partly by an extension of the planting of a type of resistant potato, and partly by treatment of the growing crop. That was appreciated by the Potato Control and the risks involved, and for that reason the Control recently increased the price of potatoes. Unfortunately, it seems to me that no reasonable increase of price is going to get us over our potato shortage. If a man does not get a crop it does not matter how much you pay him for potatoes and that is unfortunately the position at the moment.

HIS EXCELLENCY: I should like to say a word by way of amplification of what the Hon. Director of Agriculture has said with reference to the tea restriction question, as I can add a little from my personal knowledge. The point I should like to make is this. I had an opportunity in London of discussing this question with the Secretary of State, the Under Secretary of State and his officers, and as a result of those conversations a principle was established which I think hon. members will agree is a highly satisfactory one: that there should be separate representation of the three East African territories on

the body which is to negotiate the terms, if any, on which this restriction scheme should be continued. So we are now in the position that we have our own representative whom we are free to choose for ourselves and to brief, and it will be his duty to obtain the best terms he can for these three territories. I think that is a great advance. A further point which I think should be remembered is that the question of new planting, although of very great importance to the tea growing interests in East Africa, has also its implications on Ceylon tea interests and the labour available for further tea extensions there. The final point which I would like to make to the hon. Member for Aberdare, is that he stated in this Council before and repeated it yesterday in his speech, that British capital was being put into the opening up of tea acreages in neighbouring foreign territories. I mentioned the point during my conversations in London, but no one appeared to have any information on the point. If, therefore, the hon. member will give me definite information on the subject I shall be happy to follow it up.

CHIEF NATIVE COMMISSIONER (Mr. Hosking): Your Excellency, there is no need for me to speak at length this morning because we traversed the whole range of native policy a few weeks ago in the last meeting of Council. Also, when I look through my notes I see that the hon. Member for Aberdare, the leader of the European elected members, has stressed the need for better wages, and has assured us that better results were obtained when better conditions were given. These sentiments were repeated by the hon. member Mr. Paroo, who stated that contented labour was vital for the successful prosecution of the war, and again, by the hon. Member for the Coast and the hon. Member for Mombasa, so that there is really no need for the Chief Native Commissioner to get up and preach. There are, however, certain points with which I must deal. The first is to endorse wholeheartedly by the encomiums made by the hon. Member for Aberdare on the work of Mr. Champion, who is conducting an ideal method for

[Mr. Hosking] the propagation of information throughout the native areas. He has travelled the length and breadth of the native reserves and has dealt forcibly with the problems of soil erosion and has spread the light through the darkest portions of Africa. I cannot thank him too heartily for the work he has done, on behalf of all of us.

There are two important aspects of the labour situation. The first as to quantity. The latest returns show that over fifty per cent of able-bodied African man-power are at work. We have had in the coming year to reduce drastically our programme of recruitment for the military. We shall have a net gain before the end of next year of between 4,000 and 5,000 men from the E.A.M.L.S. I mean that that number will be returning in excess of the number going out. It is a matter of very real regret to the Administration, and I think to all of us, that we have had to reduce the quotas we were supplying to the fighting regiments. We are proud of what we have done and the traditions established by our Kenya forces. The position will further be alleviated by the help we are getting from our neighbours, for the adjoining territories have agreed to help us as regards labour for public works. They have an enormous programme themselves of recruitment for army purposes, and they are catching up and overtaking Kenya; we are proud to have set them a good example. Their quotas for next year are two or three times as great as our own for military recruitment. Besides looking for help from our neighbours, we must look at the help we can give ourselves. As the hon. Director of Agriculture has said, our agricultural policy should be to make the best use of the land now under the plough rather than look to an extension of the acreage. The same principle should be observed for our labour. We should see how to make the best use of the labour now at work rather than look for an extension of it, because supplies are nearly exhausted. The hon. Member for Aberdare suggested that the best thing to have done from the beginning would have been to make all labour on farms military. I am anxious to main-

tain as long as we can the voluntary system, and when you look at the figures for conscription as compared with the voluntary effort, you would find it is something like 235,000 voluntary labourers to 15,000 conscripts. As he himself was careful to point out, the best results are obtained when there is a feeling of goodwill between employer and employee. He was speaking of the old days when labour was the friend of the employer and did not let you down. Those are the conditions I should like to see maintained as long as possible. I must admit that the quality of the labour is not what it was, but this is not surprising when you come to think that in recent years the number of labourers has been increased by something like 100,000. We may have done wrong in letting the pick of our manhood go into the armies, but they have justified it by the results they helped to achieve, and I do not think we were wrong in giving our best to help win the victories we have won. But there is no denying that the quality of the labour has fallen off. We have had to go into the highways and byways to compel them to come in, and one cannot expect to get the same results from that type of labour as we did from the old type who were the personal friends of their employers. Your Excellency has approved a special labour return being called for again, on the 15th December of this year. We want to check up on our figures, and it is best done by a special labour return on the same date as the previous year, and I would ask hon. members to use their influence with their constituents to get those returns filled in accurately, promptly and as cheerfully as possible. I would especially draw the attention of the hon. Member for Kiambu to this, as her last return was as lucid as some of her statements in this Council!

Turning to the hon. Member for Kiambu, she has alleged that the registration system has broken down. I deny that. First of all, the identification system of Kenya is 100 per cent efficient. The registration system to-day, after careful examination, I should regard as about 80 per cent efficient. There are reasons why it is not as efficient as the identification, and one of them was given

[Mr. Hosking] by the hon. member, which is, military non-co-operation. I expected trouble from the military. I anticipated it, and did all I could to make our schemes watertight, but I must admit that there are leakages. The army has proved itself invincible and has even succeeded in defeating me, but if the army were to abide by the undertakings they have so often given me all these leakages would be stopped. Many of the units do scrupulously and meticulously observe the gentleman's agreement, and there are orders in the G.R.O.'s as to reporting labour; the R.A.F. in particular are good, but certain units, mainly transients through Kenya are extremely bad, and that makes a most serious leakage. But really the numbers affected are, while not entirely negligible, small. The special return will, I trust, give us a fair picture of the amount of luxury labour now being employed. I know it is ridiculous that there should be 60,000 persons in domestic service employed in Kenya and adults carrying golf bags and picking up tennis balls, but I trust we shall be able to canalize the labour into proper channels if by any means it is practicable to do so. There are many snags. If we take away the personal servants we may reduce the European women power in the Colony, and whatever we do we shall have to see that it is done most carefully.

The hon. Member for Mombasa in dealing with native unrest stressed the need for conciliation. He knows the difficulties as well as I do, and that is that native labour to-day is unorganized. You cannot get the views of the Africans to-day—I am always harping on this point—you cannot get anyone to answer for a particular gang; deputies will not come forward, the rest would not accept what their deputies agree to, and until labour is organized it is extraordinarily difficult to deal with it. Whether it will be easy to deal with it when it is organized is another matter. Turning to the hon. member representing Native Interests (Dr. Wilson), he asked for information showing the detailed effect on the Draft Estimates of

the adoption of the recommendations of what is known as the Inter-Relations Committee. I regret that without longer notice I cannot oblige him. The Clerk of Council appears to be doing nothing at the present moment, but I can assure hon. members that throughout the budget session he is about the busiest man in this Colony, and we could not possibly expect him to extract those figures in time to give the hon. member the reply he asks.

DR. WILSON: On a point of explanation, I said the figures might have been put in the printed Estimates.

MR. HOSKING: I can assure the hon. member that the recommendations of the committee have been followed as closely as possible, and the financial implications insofar as we can see them at present are negligible, both in relation to the finances of the Colony and to those of the local native councils. If he will refer to Schedule D in the committee's report he will see what we are aiming at. In preparing the Draft Estimates the heads of departments concerned in nearly every case merely omitted the amounts transferred to local native councils from their estimates. It will be necessary, in order to give the hon. member the fuller information he requires, to call for detailed returns from every department. For example, if the hon. member will turn to Head 38, item 76, page 98, he will see the vote for the African staff of the Veterinary Department is reduced to £626; the explanation is that it is in accordance with the report of the committee. If the same staff were paid by Government in 1943, we should have a figure of £3,825, so that the real reduction in this vote is the amount transferred to local native councils, something like £625, but I cannot tell him exactly what that additional amount is.

HIS EXCELLENCY: I will adjourn Council until to-morrow.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Friday, 20th November, 1942.

Friday, 20th November, 1942

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Friday, 20th November, 1942. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

PAPERS LAID

MR. TESTER laid on the table Schedule of Additional Provision No. 3 of 1942, and gave notice of motion to refer the Schedule to the Standing Finance Committee.

ORAL ANSWERS TO QUESTIONS

No. 82—KENYA SURPLUS BALANCES

COL. KIRKWOOD:

Will Government please state the amount standing to the credit of Kenya Surplus Balances?

MR. TESTER: The General Revenue Balance at the 31st of July, 1942, amounted to £1,758,820-19-26.

Later information is not yet available, as the Crown Agents' accounts for August have not been received.

DRAFT ESTIMATES, 1943

The debate was resumed on the motion to refer the Draft Estimates, 1943, to the Standing Finance Committee.

MR. HOSKING: Your Excellency, I understand that the hon. member representing Native Interests (Dr. Wilson), having voiced his complaint about lack of information in the memorandum on the Estimates, does not want any further explanation. I will only say that the Inter-Relations Committee hoped that the adjustments in the 1943 budget would be to the effect that Government would neither lose nor gain by those adjustments. Frankly, the 1943 year must be a year of trial and error and we must make further adjustments in the light of experience. I was asked when replying to the debate on the Poll Tax Ordinance to give an assurance that Government would not lose revenue by the enactment of that legislation. I gave, and repeat, that assurance. I must, however, point out that the recommendation of the Inter-Relations Committee provides for a

reduction of some £20,000 in tax in order to allow local native councils to raise their cesses to take over certain services assigned to them. Exactly the same could have been made under the Hut and Poll Tax Ordinance. Local native councils have adopted the rates recommended in the schedule to the committee's report, and in certain cases have actually voted more money than was required. Government will neither make nor lose money next year. Personally, I think it will make rather than lose. The position of the chiefs' clerks raised by the hon. member should be sufficiently clear from the schedule to the report. Chiefs' clerks are a charge on local native councils. Their work is mainly with the cess, while the work of the chiefs is more with the tax. It is a question of swings and roundabouts, of give and take. Reference was made also to the idlers in Nairobi. If you see as many as 100 natives hanging about outside the Labour Commissioner's office you must remember that there are something like 15,000 personal servants in Nairobi to-day. The total number of labour employed in Nairobi to-day is between 30,000 and 40,000, and there is a shortage of labour; if there is not a certain amount of fluid labour 25 of 1 per cent is not an excessive number of idlers.

What is the remedy for labour troubles? I think the answer is "discipline by prompt justice", and I want to pay a tribute to those public spirited gentlemen who have taken on the duties of special magistrates and perform those duties conscientiously, and who justify our confidence in them by being as strict with employers as with employees.

GENERAL MANAGER, K.U.R. & H. (Mr. Robins): Your Excellency, I do not wish to waste the time of this Council in dealing with the accusations that my Administration has little or no care for its labour, a matter which has been the subject of correspondence between myself and the hon. Member for Kiambu and was referred to in her speech. But the facts are as follows, and I emphasize the word "facts". Before the war it was the practice of the Administration to provide covered goods wagons on engineering trains for the protection of

[Mr. Robins] its labour. With the advent of the war, the tremendous demands made on the Administration, and the great dislike of farmers to use open wagons, especially those dealing in such products as coffee, it has been necessary to review that procedure and to economize as far as possible in the use of covered wagons to restrict their use to commodities which are required in connexion with the war effort. The practice now is, except for long journeys (when covered wagons are still used), if there is a reasonable prospect of the weather being fine, to have open wagons used for the conveyance of labour. On this particular occasion the train which was to go to Kabete with labour left Nairobi at 6.45 a.m., and it was a fine morning in Nairobi. Unfortunately, at Kabete it was raining. The men were brought back at 11 o'clock and allowed to go to their homes. The suggestion has been made that the Administration should have provided tarpaulins. Tarpaulins of the type required by the Administration are extraordinarily difficult to get, but in any case it is a very dangerous method. I do not think the hon. member has realized what a wet tarpaulin is like, but I can assure her that in fact it would be really dangerous. The only other alternative would be to provide the labour with macintoshes or waterproof capes, and as we employ 20,000 labour in the Administration service I think myself that we should not make much contribution to the war effort by demanding supplies sufficient to provide every man with some waterproof cover.

In regard to the suggestion that the Administration has more care for goods than human lives, I consider that that is quite an unworthy suggestion coming from a responsible member of this Council, and I am quite content to leave it to members of the Council to judge in relation to the Administration's record during the past several years. One other point I should like to deal with. I was surprised to hear the hon. Member for Mombasa had found a recommendation in the Willan report which he was able to support. I thought he was the bitterest opponent of all the recommendations in that report! Unfortunately, the one he

supports was never specifically made by that committee. I would also like to remind the hon. member that he is a member of a board which deals with the estimates of the Harbours, and it would have been quite within his competence at any time to raise the question of labour rates of pay if he felt so strongly on them. I agree entirely with him in his views about conciliation. I have had considerable experience in this direction which goes far beyond the recommendations made by the Royal Commission in India, and I should be only too happy to have an opportunity of putting those recommendations into practice. But I think the hon. member will realize, as indeed the hon. Chief Native Commissioner has mentioned, our great difficulty in this country is to find anyone you can negotiate with. No leaders are thrown up, and it is completely impossible to negotiate with huge numbers of men. There was a particular instance of this in connexion with the recent strike at Mombasa. I pleaded there for the men to nominate some representatives with whom I could negotiate and deal with. They would not do so. There was a considerable air of suspicion about it altogether, and in the end I had to meet in the open 2,000 men. It is completely impossible to negotiate with 2,000 men. Their claims were not even uniform, varying between adjustments and increments, applications for Sh. 5 rise, and a rise as much as Sh. 20. It was completely impossible to find out exactly and precisely what the men required, and I am quite convinced that you cannot enforce trade union methods down from the top; they must spring from the bottom. If ever there is any opportunity to conciliate or to deal with these matters, I shall be only too happy to do so, but it means that the African has got to progress a little further in order that he can throw up leaders and trust them when they have been thrown up.

MR. MORTIMER: Your Excellency, a few local government and land matters have been mentioned during the debate to which I should now like to refer. The hon. Member for Aberdares referred to the basic road grant allowed to the Aberdare District Council and complained that the grant was in fact £4 per mile less

[Mr. Mortimer] than the average granted to other district councils. I have never been able to share the view of some of the hon. member's constituents that the roads in the large and sparsely populated ranching areas should have as much money spent upon their maintenance as the roads in the more thickly populated and more highly developed production areas. I would point out to the hon. member that the basic road grant for Aberdares has been increased by £507 per annum, and that during this year special grants have so far been made amounting to £4,900 for the improvement of the roads in the production area of his constituency. Fifteen per cent has been provided in the Estimates for an all-round increase in basic road grants to help towards meeting the increased cost of road maintenance on account of the war. Admittedly that 15 per cent will not fully cover the increased cost. If the Standing Finance Committee finds that it is able to increase that percentage I for one shall certainly have no complaint.

The hon. member Mr. Paroo mentioned the subject of Indian agricultural education and urged that some immediate steps be taken towards that end. The Indian Land Settlement Board has met on a few occasions and has considered this point, but the board felt that it would be very unwise for each of the East African territories to embark upon a scheme of Indian agricultural education on its own, and that only on an East African basis could satisfactory results be achieved. The board was aware that the report of the Central Development Committee of Tanganyika, published in 1940, had recommended a scheme for Indian agricultural education beginning on a small scale but with provision for expansion. We also knew that the Tanganyika Government had not yet decided upon any policy in that regard, but we felt that when decisions were under consideration they should be on an East African basis, and we therefore made representations to the Kenya Government and requested that negotiations be commenced with a view to co-operating with the Tanganyika Government should they embark upon such a scheme. It is not expected that any final report of the

Indian Land Settlement Board will be submitted at an early date. A great deal of the land that is suitable and available for Indian settlement requires the provision of water supplies, in some instances on a vast scale. That is obviously a difficult question during the war, but investigations will proceed at an early date on the possibilities of an irrigation scheme on the Tsavo River. It is confidently hoped that an irrigation expert will be detailed for that work in the not distant future. The hon. member Mr. Kassim brought up his hardy annual which I trust he will not have to mention again, the Kibos roads, and said he regretted that no provision had been made in the Draft Estimates. I would invite the hon. member's attention to Head No. 20A, Special Grants, Kibos Roads, £560, which appears to have escaped his notice. In addition to this grant of £560, which it is expected will complete the road scheme for that area, an amount of £15 a mile has been added to the basic road grant of the Nyanza District Council to cover the cost of maintenance.

The hon. member Dr. Wilson spoke about the importance of taking the long view about the siting of secondary industries in the Colony. I entirely agree with his views on that subject. The tendency to site all secondary industries in or immediately around Nairobi is one that needs to be regarded with the utmost caution; wherever possible secondary industries should be spread about the country to the best advantage, and the labour conditions and housing conditions ought to be considered together in the light of the facts pertaining at the time. (Hear, hear.) I hope that we shall continue to keep that subject closely in view. The hon. Member for Kiambu made some reference to land sales and spoke vaguely about some mysterious foreign syndicate that was buying up land all over the country.

MRS. WATKINS: On a point of explanation, all over the constituency.

MR. MORTIMER: I accept that explanation, sir, but a search of the register discloses no evidence of the statements made by the hon. member and I should be glad if she could supply me with a

[Mr. Mortimer] few facts concerning the incidents to which she refers.

Mrs. WATKINS: On a point of explanation, a lot of my constituents have had large offers and several have accepted them.

Mr. MORTIMER: May I suggest that if the hon. member's constituents do not want large foreign syndicates to buy land in her constituency, they have the remedy in their own hands—they need not sell it. The hon. member suggested that a board should be established to control land transfers. I may mention here only very briefly that certain recommendations have been made by the Land Board to the Government. These recommendations are a co-ordinated scheme with a four-fold object. First of all, to prevent speculation in agricultural land, or at any rate to retard it; secondly, to prevent an undue rise of prices of agricultural land; thirdly, to encourage development, which can still be vastly improved in spite of the recent development drive; and lastly, to ensure that land will be available for post-war settlement at prices at which practical economic farming will be possible. At present I am unable to say more on this point, and that applies also to the point raised by the hon. Member for Trans Nzoia, because these matters are still under the consideration of Government and no policy has yet been decided upon. Although I am fully aware that I shall earn the reproof of the hon. Member for the Coast in saying that these matters are under consideration, I have still to be convinced of the wisdom of embarking upon major new policies without consideration. (Hear, hear.)

I should now like to refer lastly to the very important subject of native housing which I am glad to notice has been mentioned by several of the elected members. All sections of the community have wakened up to the vital importance and urgency of this subject. Unfortunately, this realization has come at a time when the difficulties in the way of fulfilling the need are at their maximum. Supplies of materials, supplies of labour, both skilled and unskilled, supplies of supervisory staff are all at their most

difficult. In Nairobi to-day there are approximately 30,000 natives who have nowhere to sleep except in premises which they can only occupy illegally. In Mombasa the situation is no less serious. In other municipalities the problem is of a minor nature, but it is there none the less. In Nairobi there is a municipal housing scheme for the expenditure of £30,000. That has only just been begun. There is in addition a Government housing scheme for the expenditure of £20,000 for which provision is made in the present year's Estimates. That has only just been begun. Those two schemes together, when they are fully completed, will only meet one-twentieth of the immediate and urgent needs. The Building Control Committee have now given permission for 50 houses to be erected under each of those schemes and there is the hope that further permission will be given as the programme advances. The need must be visualized, and the means for meeting it must be considered in no niggardly spirit. Government, the local authorities, the commercial community, and every section of society, all have a grave responsibility in this matter and all have a part to play. (Hear, hear.) There is no room for any complacency on the part of any of those parties concerned. Your Excellency, in your Communication from the Chair, made it quite clear to any except the most obturate critic that Government is very sincere in this matter and will brush aside all obstacles that it is humanly possible to brush aside. The importance and urgency of the matter cannot be over emphasized. Apart from humanitarian considerations, and they are of prime importance, there is the economic consideration to which I would direct hon. members' attention. Think of the enormous cost of our yellow fever precautions, think of the great cost we had to bear in providing anti-plague measures during the recent comparatively mild outbreak. I read in a Press report only a day or two ago that in Durban an investigation had taken place and it been found that industrial efficiency had been increased by 20 per cent by the wiping away of slums. I would say with all earnestness that none but the wealthiest communities can afford to maintain the luxury of slums. It is not

[Mr. Mortimer] a question whether we can afford to abolish our slums, but whether we can afford not to abolish them. We need to have an open mind on this question and need to be ready to adopt new measures when it should prove necessary. The hon. member Dr. Wilson referred to everybody being in a rut on this matter. Well, ruts are at times an-aid to progress, but if the ruts become too deep they are a very serious hindrance. One important difference between a rut and a grave is that one is deeper than the other.

It will interest the hon. Member for Kiambu to know that the Nairobi Municipal Council has placed with the War Department a request for 25 Italian prisoners of war to assist with their building programme. Legislation has been prepared which, if enacted, will declare a definite policy on the part of Government on this important subject and will also aid local authorities in carrying out their share of this great undertaking. I hope that that measure will be brought before Council in the not distant future, when hon. members will have an opportunity of assisting in a great measure of social advancement.

Mr. SHAMSUD-DEEN: Your Excellency, it is a matter of great gratification to me that the debate this session has been marked with many good aspects. One is that it has been free of any racial controversies as has mostly been the rule in this Council in past years. Almost all the members who have spoken have been like a salesman in a shop who has everything to sell from a pin onwards, for we have talked about all sorts of things from chickens to aeroplanes and warships, but little has been said about the budget, which I think, incidentally, is a great compliment to the hon. Financial Secretary. Members have paid him the biggest compliment when there is not much to be said about the budget, but there are a few points that with your permission, sir, I should like to refer to. I am sorry that the hon. General Manager, K.U.R. & H., has left the Council, for I should like him to have heard what my experience is as regards natives travelling in open trucks. Evidently he does not appear to know what is going on. It is a very common thing to see natives travel-

ling on trucks of fuel on top of the fuel without any kind of shelter whatever, and the sparks from the engines actually burn their clothing and blankets. I made representations to the Railway with absolutely no effect. That is one point.

The other point I wish to refer to before I forget it is the matter of this ginnery at Kitui. I am not in the least interested in the individual ginnery, but it is a matter of principle that private enterprise, having been encouraged to invest large sums of money, should be left in the lurch as has been done. I want to ask the hon. Director of Agriculture if my analogy is wrong. He argued comfortably and competently yesterday in the case of this particular enterprise, and what he meant to say was that Government gave no encouragement and the crop proved a failure and the man was unlucky. That was the gist of his speech. My analogy is this. Government advertises the post of say, say, Director of Agriculture in papers in England and elsewhere inviting applications and says that a job will be found when the man arrives here. An officer arrives in this Colony and gets the job, and after a little while he is told, "Well, we are going to amalgamate this department with some other department", which was the case when the Veterinary Department used to control the Agricultural Department. What would he feel in similar circumstances? The position in this case is that Government definitely not only encouraged this particular ginnery but in various other parts have encouraged private enterprise to erect ginneries, and also directly and indirectly gave a definite undertaking that they would do everything in their power to encourage them. The question is, has that been done in this case? If so, why was the growing of tobacco simultaneously encouraged in the same area with the growing of cotton? The native will naturally take to a crop which is more easy and brings in larger money. No native would grow cotton when he can grow tobacco and get good prices.

I now wish to come to this vexed question of controls. I think we have reached a sort of season when a regular epidemic of controls has become prevalent in this Colony. I know of only one

[Mr. Shamsud-Deen]
kind of control, but I will not refer to it for fear of being pulled up on on grounds of indecency or decency. The latest brandnew suggestion is control of the sales of land. I do not want to take up the time of this Council, but I have still got a little time, and I am only going to say there are periods in this Colony when certain kinds of infection spread. I was here in 1908, when some officials staged a drama called "Blue Beard", and in those days it was the infection of reserves. One of the characters said, "On the right-hand coming from Dagoretti was the forest reserve, on the left-hand the native reserve, in front of me the game reserve, and above a heavenly reserve". Similarly, there are controls of everything nowadays, but when you come to study them we find that the name is a misnomer—they are really dictators, or more correctly interferers. I associate myself for the first time with what the hon. Member for Trains Nzoia said about the Maize Control; we find no reference whatever to it in the Estimates. That is a very misleading state of affairs, because, to all intents and purposes the Maize Controller has been given authority by Government to rob and fleece consumers without reference to anyone. I think my information is correct, that this Controller of maize is already in receipt of remuneration of £2,100, and that he wants more than the highest paid officer of this Administration, which is the Chief Secretary, who only gets £2,000, and still he is exploring avenues to get more. The public does not know that and we do not know, because there is no mention of it in the Estimates. Government has given them unwarranted licence to charge whatever price they like to consumers and take the money. I submit, Your Excellency, that unless there is some control of these uncontrolled Controllers, we are going to have disaster before long.

While on the question of the Railway I forgot to say this, that although it is seldom referred to, the treatment and welfare of natives, I entirely associate myself with what the hon. General Manager said, but as far as the Railway organization is concerned the conduct of the native attendants on the trains—and

I am going to refer to an instance—demands that something should be done. I have travelled very little on the Railway in recent years, but a few weeks ago, coming from Nakuru, two of us were seated in the carriage. We rang and rang the bell but nobody came. Then we asked for a glass of water when they did come, and were told there was no glass on the train. While we were sitting there, natives outside watching the train pass started throwing stones. One stone smashed the window, and it was sheer good luck that my friend and I did not become blinded, because we could easily have got pieces of glass in our eyes. We rang the bell for someone to come, for I was afraid that somebody would come along and claim damages for the broken window from us. (Laughter.) It was quite a long time before anyone turned up, and it was then too late to stop the train, and there was no policeman or anyone else there. I thought that I should mention that.

As regards Price Control, we know that the Price Controller has done his best to keep prices down, but what has been the net result of his department? If he leaves certain things alone and uncontrolled, you can get them, although at an increased price, but the moment the price of a commodity is declared it mysteriously disappears and you cannot get it unless you go to the black market. That again brings me to the various Controllers. There are so many of them that it is difficult to remember their titles. There is one Controller of Commodities or something in which I think three or four of my countrymen have been included. Following the example of the head, they have started another kind. I know that three of them have got their sons and sons-in-law employed in that control; one who has just come out of school is being paid £20, another gets £30, and another £40. In all seriousness, I beg to submit that this is going to have serious repercussions on Asian Civil Servants who after years of service get only £10, and if these controls, which I hope are temporary, are going to be made a source of income to a family, this is the sort of thing which should be checked.

[Mr. Shamsud-Deen]

As regards education, I wish to associate myself with what the hon. member Mr. Pa'oo said. You cannot make education compulsory and at the same time not provide the facilities. Either every child of a British subject in the Colony has to be educated and brought up as a decent citizen or allowed to remain as a sorry vagabond. If the former is the case, I think it is the duty of Government that every facility must be given for education. There is another incident that I wish to refer to. Of the budget I have little criticism to offer, but this is an occasion on which we are allowed a lot of latitude and we wander about as much as we like. I should like to bring to the notice of this Council that recently there have been cases of raiding of civilian houses and families by military police, attended by a good deal of inquiries. I should like to have a clear definition of the policy as to how far the military police can do this sort of thing among the civilian population. Yesterday, I saw a young native wearing a green felt hat, flannel trousers, carrying a rifle and on the left-hand side a bayonet, and a pouch of cartridges. To me it looked as though he had pinched the rifle from someone because he wore no uniform, and there was nothing to show whether he was a civil or military policeman, and I heard quite a lot of people talking quite apprehensively in view of what recently happened. They probably thought he had stolen the rifle from somewhere and was going to shoot them with it.

As regards production, a good deal has been said. I cannot get over the fact that in the book by Sir Frederick Jackson he refers to the regions around Malindi and Kapini and other places, and that about 1880, before slavery was abolished, those places he says were the granary of the whole of the east coast up to the Persian Gulf. I know that all that went out with the abolition of slavery, but surely if the potentiality and fertility of the land is there something must be and should be done without any delay to revive the industries. Reference was made to the Information Office, for which some £10,740 is to be provided. I cannot pretend to know

very much about the native side, but as far as the Indian side is concerned I can assure Council that it is an absolute waste of money to spend anything on broadcasting or publishing those various papers which generally find their way to the butchers shops for wrapping up meat, and hardly anybody listens to the broadcasts because they are absolute rubbish. I heard a broadcast the other day called "Let us not," and people laughed at it. I hope the matter will be seriously considered and that as far as broadcasts among Indians are concerned they will be abolished. I think that one in five houses has a radio now and can get all sorts of things from all over the world, and then to listen to this stale news from the Information Office is about the height of folly.

I have a watch in front of me, sir, and I promise to stop punctually at 11 o'clock. Some reference was made to manpower. All I wish to say is this, that when recruiting of manpower in this country commenced, and referring to Asian artisans and clerks, nobody knew the war would last so long, and nobody to-day can tell how long it will last, although we hope it will come to an end very soon; it appears to be in sight. But three years have elapsed, and I think the time has come when Government should make representations to the military authorities for some definite rules for the granting of leave to those people who have been three years in the Service, especially those people who have been to Abyssinia, Italian Somaliland and other places and have been away from their wives for three years. I think it is time that some definite ruling should be framed for giving them a little time to pay a visit to their families. Similarly, I think some sort of ruling will have to be framed also for the rates of wages and increments. At the present moment the scale of increments of the military people are admirable as far as the permanent establishment is concerned, although it will probably take ten or twelve years for some to reach the maximum, but I hope the war will not last so long.

As regards the Meat Control, I wish to say this, that there have been a lot

[Mr. Shamsud-Deen] of complaints about this Control. I am certain of my information, that one of the deputy controllers had a wrestling bout with some European butchers in which he was probably knocked down, because they did not see eye to eye. I am glad to see that a change has taken place and that the Control has been entrusted—as it should have been at the beginning—to the hon. Director of Veterinary Services, who knows something about meat and meat inspection. There has been a colossal wastage in this town of meat because there has been no continuity of policy as regards meat inspection. I do not mind saying that many cattle and sheep have been condemned by an inspector just to show he is somebody, but as time goes on he becomes more moderate, and then somebody else comes along. I have tried all these years to prove that these meat inspections should be done by qualified veterinary people; in Mombasa that system prevails and there are very few complaints. We want meat badly in these days, and I am quite certain that a large amount has been condemned unnecessarily. I have tried while on the Municipality to impress on them the necessity of what they called ante-mortem examinations of animals. If a veterinary man who knows something about animals thinks one should not be slaughtered, it is taken away and given a chance to become healthy. What happens here is that there is an inspection only after the animal has been killed. When the by-product plant was started several years ago it was said that the profits would be distributed among the owners of the meat, but I think I am right in saying that not a single cent has been paid to anyone. All the meat that goes into the plant is wastage. I do hope the hon. Director of Veterinary Services will now take that matter in hand and see that meat is not condemned unnecessarily. After all, this inspection is only going on in the town of Nairobi, and Europeans, Indians and Natives eat meat throughout the country without inspection, and I have not heard of any deaths from diseased meat.

While on the subject of the Meat Control, I wanted to make particular

mention of the fact—it has been mentioned in the newspapers—that the Meat Control has about £38,000 saved. That is a wrong policy. All these Controls are for controlling commodities and helping the public, they are not there to make profits. I am informed that it is just possible the Meat Control might have lost and that this £38,000 is a reserve. I maintain that that is not the proper way to do it. If there is a loss we shall have to face it as we have to face the guarantees for producers. They have been coming to us and will again, and if the Meat Control suffers loss the only thing for them is to come to this Council and explain the reason and we give them the money. They have also competed with private enterprise. I have some instances of it to which I want to refer in this Council where the Meat Control has actually competed with private enterprise and supplied meat on account of contracts which had been in the hands of private enterprise for years.

I heard also the attacks on the Colonial Office. Of course, throughout all these years I have noticed that that office is like the Aunt Sally at which everybody throws, but they are not here to hit back. This year, I am glad to say, that the hitting as far as Government officials are concerned has not been so fierce, and I am not flattering the Government officials, but I think the present, I will not say crowd, staff are really exceptionally good people who are human, reasonable, and sympathetic. I wish I could say the same about Controllers. (Laughter). There was a mention of the Colonial Office not being easily approached; I can assure you that we used to be full of complaints about Europeans. Since then we have had some Indians as controllers, or rather they are like those in the Police and Medical Departments, who have sub-assistant-inspectors and sub-assistant surgeons. This fellow was a sub-assistant-deputy-controller or something. I went to his office and waited for nearly half an hour; in other places I have never had to wait more than ten minutes. To this gentleman I sent in my name and business, and took my chance of seeing him by waiting until he was good enough to call me in, but

[Mr. Shamsud-Deen] these controllers keep one waiting to show what good Government officials we have got. (Laughter). Only one point about the Public Works Department. I do not find in the Estimates any reference to the permanent staff of artisans employed there. It has taken me about ten years to bring home to the department that these men can by no stretch of imagination be described as casual labour, and if they have been brought on to the permanent staff I do not find them in the Estimates. These people are full of complaints, for while they are nominally on the permanent staff they have had no privileges granted.

I have some other points to refer to and will be as brief as I can. I do not think I am justified in taking up any more time, but in spite of all the censors and Defence Regulations I am going to pass on some information which may interest members. I am just like an ordinary drop in the rain, but every drop helps to make a flood, and I wish to declare that I am the bitterest enemy of all the enemies of the British Empire. I shall be leaving at the beginning of next week on my way to Sudan, Khartoum, and then to Mecca to visit the first house of the worship of God. There I propose to pray for the victory of the British arms, and though I have the reputation of being a cynical person my prayers will never fail me!

LORD FRANCIS SCOTT (Rift Valley): Sir, there are a few points to which I wish to refer. First of all, I should like to express my gratitude to you and your Government for what you have done to help get this increased acreage of tea. I only hope that when the final battle comes in regard to the renewing of the restriction scheme that Government will be firm and refuse to play unless we do get this progressively increasing acreage to which you, Sir, referred.

The hon. Member for Aberdare urged that we should experiment to see whether there is any artesian water in this country. I believe that even if it cost a considerable amount of money, it is well worth doing as, if successful, it might have an enormous effect on cer-

tain parts of the country where water is particularly short. While on this question of water supplies, I regret to see that there is still no mention in the Estimates of any provision for the Naivasha water supply. Year after year this matter is brought up by one or other of us here; sometimes by about three of us, and yet there is still no provision. On the other hand I am very glad to see that there is provision for the clearing of tsetse fly and to know that work on that very important matter has been started and is going ahead. I do trust that Government will realise the great danger of the spread of tsetse fly and that it is not merely a question of fly damaging the farms of individuals, but that it is a national question, and that much money will be required to reclaim large acreages of good land by the elimination of this pest. I feel that this is one of the matters which in the future may well be considered for assistance from the Colonial Development Fund, but in the meantime I trust that every step will be taken to continue the eradication of this pest and that there will be no delays caused by any quibbles over the way in which the money is to be found. I hope Government will be generous to individual farmers who are affected and who will have to get the bush cleared off their farms.

Turning to Education, I have no comments actually to make on the estimates of that department but I should like to make reference to a certain branch of education which is no longer under that department but is under the Military. I refer to the N.A.T.D. I recently went up there and went all over the work which has been done there, and I should like to inform this Council what splendid work is being done there under the excellent supervision of Major Stroud, to whom a very great debt of gratitude is due. 1,100 natives were there being trained for various branches of necessary industry, and the heads of the various services in the Army have informed me how very satisfactory these boys have been. It is an institution which we must see is kept going after the war and encouraged in every way as it is a

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real practical method of education for the native. Another matter which I was very pleased to hear mentioned in this debate was the institution of dispensaries in rural areas. That is something which is very badly needed, and I hope that in the institution of these dispensaries the hon. Director of Medical Services will co-opt the help, and I am sure the enthusiastic help of the settlers in the various areas to see that a practical scheme does get started all through the various areas. I am sure the farmers will do everything they can to co-operate with the hon. Director of Medical Services.

My hon. friend Dr. Wilson did not seem to think very much of the Central Roads and Traffic Board, and he referred to his suggestion of making a new department to look after roads. With the object of his suggestion, of course, one has great sympathy but personally I, and many others, on that Board look rather askance at any suggestion of forming a new Government. On the other hand, now that we are really trying to tackle this road question, and that there is money available and that it is in the forefront of the programme of development, we did consider that the post of road engineer should be reinstated. I do not quite know why that recommendation does not appear in these Estimates. The Chairman of that Board being the Chief Secretary of the Government, I had hoped that it would have the approval of Government. A one-line vote appears in the Estimates this year for passages. I should like to hear from the hon. Chief Secretary what is Government's policy with regard to the leave for officials both at the present time and when the war comes to an end. I trust that there is no suggestion that all the leave which it has not been possible to take during the war will be allowed to accumulate and that officers will be sent away for unnecessarily long periods. After all, the object of leave is to refresh officers' minds and bodies and if they are away too long it has the opposite result. It would be interesting to hear if Government have formulated a definite policy in that regard.

Another point which was raised by the hon. member Dr. Wilson was the question of the Chief Native Commissioner's powers. I feel myself that unless the Chief Native Commissioner has executive authority over the native affairs of the country it is a complete waste of time and money having somebody holding that post. The post should either be abolished or it should be made a reality. In saying this I am not casting any reflection on the present holder of the post because he has done his best within the limits of what he is allowed, but when the Chief Native Commissioner, as I have been informed, cannot go into any Province without first asking the approval of the Provincial Commissioner for him to go there, it makes the position a complete farce and quite useless. (hear hear). The hon. Member for Kiambu, talking about the registration of natives, said that there was no record of the natives in the Army. Of course she realises that every native who joins the Army is properly attested and a complete record is kept of them all in the Records Department of Second Echelon.

MRS. WATKINS: On a point of explanation, I said it was not sent in to the civil authorities and that the police could not find anybody and the Labour Office did not know where they had gone to.

LORD FRANCIS SCOTT: If they referred to the records of the Army they probably could find out.

Reference was made by the hon. Chief Native Commissioner to the fact that there would be large numbers of soldiers now serving in the East African Military Labour Service returning during the coming year. These natives will come back very full of money and will not be too anxious to do very much work. I do trust that in the present situation of the country, when manpower is so short and production is so necessary, that steps will be taken to see that those natives, after they have had a reasonably short time of rest, will help in the general manpower situation and help in the production effort, either in the reserves or elsewhere. This question of manpower has been referred to by many people, and with it the ques-

[Lord Francis Scott] tion of releases from the army to return to civil occupation. I think it may interest this Council if I gave them exact figures of those who have been released from the army. I am referring now to Europeans. Up to the 9th September last for Kenya alone 230 had been released and for other territories 53. From the 9th September up till to-day fifteen more have been released for Kenya and nine for other territories, and at the present moment there have been recommendations for the release of thirty-five more for Kenya and sixteen for other territories. Those last ones I have mentioned are now awaiting final approval. That makes a total of 280 who have been released for Kenya and 78 for other territories; or a total of 358 altogether, and I think it must be admitted, when one thinks of the total number of Europeans from these territories who have gone into the army, that that is a very reasonable proportion. I think everyone must realise that, whilst we may have cleared up the war in the particular areas which have been allotted to us, we are part of the general war system of the whole Empire, and we have to have our troops available to go wherever they may be required. In view of the fact that the majority of our troops are found from the native tribes of these territories it is necessary to have a nucleus of officers with them who understand the natives and their habits and language and so on.

Many people have referred to the question of Controls, and especially the Maize Control, pointing out that there is nothing in these Estimates to give us any information as to what that Control is costing. I should like to remind members that when we had a debate on the question of Maize Control I urged that the cost of Maize Control should be found by Government for two purposes: firstly, so as to reduce the price of maize meal in the country, and secondly so that this Council would be able to see exactly how much money it was costing. As it happened I got no support for that proposal and it was not adopted.

I am sure members must be very pleased to hear from at least three Indian members their statement of complete loyalty to the British cause in this conflict, and their disassociation from the activities of people such as the Congress Party in India who are trying to impede the war effort. (Hear hear). Up till this debate, with the exception of the hon. Mr. Shamsud Deen who had expressed himself in the newspapers, I do not think that there have been any such definite statements, and I am sure we must all welcome it. The hon. Mr. Patel referred to the question of closer union. I am not going to enter into any argument with him on that point. I shall merely state that as far as I am that the good of these territories in the future does depend on closer union, and I should like to make an appeal to the hon. Indian members to look on this matter not so much from the political point of view as from the development and economic point of view. (hear hear). Do not be quite so suspicious of us all and try and look on it from the broader point of view of the future of these territories, because personally I am quite certain that the Indians of these territories will benefit enormously from the economic and trading point of view, just as much as the Europeans and also the natives.

I want to refer to something which I consider much more serious than anything which has been touched on yet, and that is the very dangerous state of affairs into which this country seems to have been drifting in recent weeks. I should like to know, Sir, whether the Commissioner of Police is satisfied with the Estimates which have been provided for his department, and whether he feels he has sufficient manpower at his disposal to carry out his duties or not. When I say dangerous state of affairs, I am referring to murders, strikes and the black market. Now, Sir, it is rather a disquieting thing to think that two hon. members of this Council have been murdered during the last two years and that their murderer has not been brought to book in either case. Why that is so I do not know. Have the police not got sufficient power to bring the murderers to book or are the citizens

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of this country not doing their duty which they have to do as citizens and helping the police to find those murderers? I warn members on the other side of this Council that things usually go in threes: the European unofficials have suffered once; the Indian unofficials have suffered once; so on the law of averages the third will probably be on the other side of the Council! I suggest, Sir, that Government should take all steps possible to strengthen the hands of the police to see that these things cannot happen.

Coming now to strikes, two hon. members on this side have pointed out that Government did not take action in anticipation and that they should have done so. My hon. friend the Member for Mombasa said that it was because they had ignored the advice given in the Willan Report. The hon. General Manager of the Railways stated that there was no such recommendation made, but I believe the facts are that that report did indicate that there should be some rise in wages, and in fact Government did not act on it. I think that is correct because when these strikes first started Government were unable to take strong and drastic action to suppress them because they had to admit that the strikers had a great deal on their side, and if it is known that people who may become strikers have a great deal on their side, surely that ought to have been dealt with before a strike takes place. Successful strikes to uneducated natives are one of the most dangerous things that can possibly happen. Naturally, other natives, seeing that the first strike is successful and results in increased wages and so on, follow suit and go on strike because they think that otherwise they will be left in the lurch and will not get their rise, and so this thing goes on. I should like to hear from Government why it was that no action had been taken before in view of the fact that they admit that something should have been done. Then we are told, quite rightly of course, that two of the chief causes are bad housing and bad food distribution. Now we have heard a good deal about housing and the hon. Commissioner for Local Government told us the intentions of

municipalities and so on, but when private individuals try to do their bit and improve their housing they do not always get that encouragement which might be expected. My hon. and gallant friend the Member for Ukamba authorizes me to tell Council this. He built a concrete hut exactly similar to one constructed as a mess room for eight officers and three lady clerks in his prisoners of war camp, and this concrete hut was to house one garden boy. Having done that, as you might think rather good act on the part of a citizen, he was ordered by the municipality to pull it down. I do suggest that that is not the way to encourage citizens to try and improve the housing of their native labour.

When it comes to food distribution. I think there is no question but that it has been a great failure. Those of us who are better off have nothing to complain of; we get food in abundance and if we sometimes have a little shortage of bacon, butter, flour, or something of that sort, there is nothing to grumble about. And with reference to that I cannot understand this tremendous song and dance made about this "national flour!" Personally I think it is very good and I do not know why people make such a business about it. It is the only sort of curtailment we have had in our foodstuffs, and I think we ought to be grateful that we have not had to put up with anything worse. (Hear hear.) But when it comes to the poorer classes there has been great shortage and this food distribution has proved a failure, and that is a matter which Government should go into very very thoroughly, and of course it has been accentuated by these organized black market activities which have been going on. Steps have been taken to overcome that; I hope they will be successful. If they are not, I suggest that there are no steps which Government should shrink from taking to defeat this black market. (Hear, hear.) I should encourage them to give the Police complete powers to go and search anywhere to find it; not to have to await some definite information to do it on, but where there is suspicion they should be given powers to go and search and the people who are searched will have

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no grumble; if they are innocent the suspicion which existed against them before will be removed, and if they are guilty they ought to pay the penalty. Talking of penalties it does not seem to me that the convictions which have been obtained carry sufficiently heavy penalties. (Hear hear.) The spread of strikes and this hoarding of foodstuffs and other materials which are necessary to the poorer sections of the community form a very great danger to the country and nothing can be too strong to deal with such dangers. I think the hon. Member for Nairobi South said that all action should be based on justice, firmness and strength, and I entirely agree. We must have justice done in legitimate cases of grievance, and having done that Government must deal with strikes or anything else with the greatest firmness and strength.

The last thing I want to speak about is this question of labour. More than one person—at any rate the Director of Agriculture in particular—stressed that the future increase in production rested on more intensive cultivation rather than increased acreage. I entirely agree, but if we are going in for more intense cultivation we have got to have much more intense work from the labour employed. At present the native labour does not do a full day's work, or anywhere near it, and there are too many things happening nowadays encouraging them not to do so. During the course of this debate a certain question was brought up about a planter in the Limuru area. There was a little argument as to whether his name had been mentioned or not. His name was not mentioned; it would not have mattered if it had been for everybody, knows who it is, and he happens to bear a name much honoured in missionary and anti-slavery societies. I am not going to argue whether he is a good or a bad settler. I do know that when he was a district officer he got things done in the various reserves where he was which other district officers, with less intestinal fortitude—which is a new word which has been coined—do not get done, and I am not in a position to say whether the magistrate was right or wrong from the legal point of view, but

what I do want to say is this. I do hope it is not going to be accepted as a principle that when a native is engaged to work on a farm as a picker of tea or coffee, or a pruner, or something of that sort, he is not to be employed on any other necessary farm work. If so, it makes the position on farms quite impossible. Anybody who lives on a farm knows that the part of the farm which is most neglected is always the roads, and the time comes when one has got to do something about one's roads. It sometimes happens that the labour is not wanted for other things and one puts the whole lot on to doing up the road, quite irrespective of what their work is at other times of the year. It would be very unfortunate if it got around among the natives that because a man was earmarked as a coffee picker or something of that sort he therefore could not be called on to work on roads. I may explain that work on roads is not heavy work; it is easy work. I also—

MR. COOKE: On a point of explanation, Your Excellency, the Labour Department, who are presumably experts on this matter, held that this particular work on this particular road was heavy labour.

LORD FRANCIS SCOTT: Generally speaking, whatever the Labour Department say—and they are not always right—ordinary work on farm roads is not heavy labour. (Hear hear).

With regard to the Meru, it is more or less suggested that the Meru could not be expected to do work like this. I do not feel that can be really meant because when I first came to this country more than twenty-two years ago I started to develop my farm and build a house, to make roads and everything else, and practically the whole of the labour I had doing that were Meru, and I could not ask for better labour; they were excellent. They quarried stone, they cut up the trees, they made the roads, and they were the cheeriest lot of people I have ever had working for me. The only trouble I ever had was on Saturday evenings when as a little relaxation they would go and beat up the Indian fundis. (Laughter.) But if after twenty-two years the Meru as a race have so deteriorated that they can

[Lord Francis Scott] only do this very light work. I suggest it is a tremendous condemnation on the native administration, the Medical Department, the Agricultural Department and everybody else who has to do with these people. My hon. and gallant friend the Member for Trans Nzoia quoted a letter in the *Standard* on this same subject. I have the letter here, and while the writer of this letter does not happen to own this farm where this happened, he is the manager of that farm. What he said was this:—

"I decided to put the farm road in order first and after ten days, I was in a position to export farm produce. I then put the men on to picking coffee. At the end of the first day's work some had picked five cents, some ten—and some fifteen cents worth of coffee, according to the usual rate of fifteen cents per debi of picked coffee. The next day they all refused to do any more coffee picking unless each was paid thirty-three and a third cents. Their daily rate of wages irrespective of any quantity picked. The estate, no estate could afford this, and the request was refused. They then demanded to be signed off."

What that comes to is that those natives expected to be paid and fed and to do no work, and if that is going on it is perfectly useless to think of increased production in this country, and I do trust that the powers dealing with Native Administration—whether it is the Administration itself or the Labour Department—will support the farmers in getting a decent day's work out of the labour which is working for them. Naturally, like the hon. Member for the Coast, I am not supporting bad settlers and people who treat the native really badly, and so on; that is not the point at all. But there is too much of the idea to-day that the poor native must not be asked to do a decent job of work, and until that idea is disposed of it is no good our talking of increased production.

One last thing; two speakers said that it is quite impossible to get labour to organize themselves so that they can be dealt with. If that is so, what I should

like to know is who organized these strikes, because strikes take a good deal of organizing. When whole bodies of men go out on strike there must be organization—

MR. COOKE: On a point of explanation, as a member of the Tribunal, may I inform the hon. member that we asked that particular question—

HIS EXCELLENCY: I do not know what the point of explanation is. I do not think you made any reference to that in your speech.

LORD FRANCIS SCOTT: I was not referring to that, Sir, but personally I think there might be a good deal more investigation into this matter, and I have even heard it suggested that the origin may have been as far away as in Portuguese East Africa.

With those few remarks I support the motion before Council.

DIRECTOR OF EDUCATION (MR. LACEY): Your Excellency, in his speech two days ago the hon. member Dr. Wilson regretted that there was not a more detailed explanation included in the memorandum on the Estimates concerning the financial adjustments between the central Government and the local native councils subsequent to the adoption of the Inter-Relations Committee report. The hon. Chief Native Commissioner referred briefly to this, and I must too, inasmuch as it is related to African education and because it is one of the changes made this year in the method of presenting the education estimates. I will deal with it and other changes as briefly as I can.

The summary of expenditure on African education is given on page 47 of the Estimates, and might at first glance give the impression that there have been actual decreases in expenditure. This is not the case. Last year, under item 103, provision was made for the salaries of eighteen instructors and assistant instructors amounting to a total of nearly £5,000. No provision is made under that item for 1943, it has been transferred to item 11 under the head Administration in general. This sum therefore must be added to the expenditure on African education if a

[Mr. Lacey] true picture is to be formed. Similarly, the cost of passages is transferred from the Education vote to Head 24, item 13, in respect of African education, about £500. Thirdly, and this is almost expenditure of little detail, there is an apparent decrease in item 122, grants-in-aid for African schools, about £100. The report of the Inter-Relations Committee recommended that the financial responsibility for elementary and primary schools in the reserves should be taken over by local native councils and, on the other hand, that central funds should assume responsibility for all kinds of education above this line, including female education. This general policy has been pursued for the last four or five years with complete agreement between the provincial administration and my department, but it went on not in one immediate jump but district by district. The report of the committee has accelerated and actually completed that process. On page nine of the memorandum on the Draft Estimates it is explained that the figure made under the grant-in-aid vote must be regarded as tentative, because it is hoped that between £7,000 and £8,000 which is normally paid by Government in grants for elementary education will be carried in 1943 by funds from local native councils or the Native Trust Fund. I am doubtful whether even with the increased revenue which will accrue to local native councils next year they will be able to meet this expenditure, and that contingency is envisaged and foreshadowed in the memorandum. If they cannot do so, I am confident that they will receive assistance by way of a block grant from Government. As an offset against expenditure on elementary education, central funds have taken over the financial responsibility for all other kinds of African education. In round figures the grants paid from central funds and local native council funds to grant-aided schools and all schools except Government schools in 1942 is £67,500, and it is estimated that in 1943 that figure will rise to £73,500.

I must stress here one very important point. The new post of superintendent of female education was approved a year ago and is in this year's estimates.

Actually, that post has only just been filled. I was fortunate during my trip to South Africa to meet and interview an extremely highly qualified and experienced woman; the appointment has been approved by the Secretary of State, and I hope she will arrive early in the new year after she has visited Tanganyika to get the benefit of experience from the superintendent they have there. Her appointment will inevitably lead to the formation of a big programme for the education of African women and girls. In this Inter-Relations Committee report it is realized that the financing of that programme must be undertaken by the central Government. I have personally been marking time deliberately the past two or three years on the question of female education; I am sure hon. members will be glad to hear that I do not intend marking time any more and will have their full support in the budget session next year if I ask for a greatly increased vote in order to make a start with this education of African women and girls, no small part of which will be made under grants-in-aid. I can assure the hon. member Dr. Wilson that in dealing with African education and education generally I have at least a little of that spice of imagination and inspiration which he said he only found in members on his side of Council. I was rather amused when he remarked a little later that a few months ago he would not have worried about postwar development but that now he thought differently. It almost looks as if his imagination and inspiration had failed him during the darker months and years of the war! I must say that that is not Government's view regarding education because they have been making programmes and putting them into effect throughout the war. It almost looks as if such inspiration and imagination had also failed the hon. Member for Kiambu, because she stated bluntly that the education given Africans was all wrong, in that it was teaching them to read and write and to despise manual work but was relegated to the postwar period to put this right. She makes the point that it is so often made in speeches and letters to the Press that we are educating Africans only to be clerks.

[Mr. Lacey]

The hon. members and others who make comments or write letters to this effect are, of course, entirely out of touch with facts and know nothing of what we are actually doing in African education, and if any proof were wanted it has been given in an extremely nice way by the hon. Member for Rift Valley in his reference to the N.A.T.D. Members may be interested to know as a hard fact that, although the N.A.T.D. has been occupied by the military for nearly two years, we have in the last two years by its European staff and apprentices who were retained by the department put up permanent buildings worth £4,500 at Kitale, £7,500 at Kisumu, and £10,000 at N.oro, and temporary buildings worth £5,000 at the Prince of Wales School. All that has been done by one of those extremely inefficient schools to which the hon. Member for Kiambu refers.

I should like to turn to Indian education and to deal with some of the questions raised by the hon. member Mr. Paroo. One is the provision of facilities for agricultural education. The Hon. Commissioner for Lands and Settlement has dealt with that largely, but I should like to say that the committee appointed to advise on the steps to be taken for the vocational training of Asians after the war reached the same conclusion as that reached by the Indian Land Settlement Board, and have recommended that Government should get in touch with the Government of Tanganyika on the subject of conducting an inter-territorial training centre, and progress has been made on the recommendations contained in that report. I am assured that action is being taken. Another matter to which the hon. member referred as regards agricultural education was a recommendation made by the Advisory Council on Indian Education two years ago, to the effect that to stimulate interest elementary agricultural education should be introduced into the curricula of the Government Indian schools. I admit that we have not done so because of difficulties in the way, but they are being overcome, but it is quite impossible for me to give agricultural education in

schools until I have the teachers or agriculturists to give it. Some hon. members will be aware that Government have already considered proposals for the appointment of educational agriculturists to my staff in order that I may deal with agriculture in and give a real agricultural bias to all schools for all races. The other difficulty is that most of our Indian schools are situated in municipalities or townships and in few cases are there grounds suitable for practical agricultural work. That point also can be overcome, and will be when I have the necessary staff to do it.

The hon. member Mr. Paroo and one other requested further provision for grants-in-aid to private schools. That is going up steadily and this year an addition to the amount is made again. There was particular reference to one school which had applied to be put on the grants in aid list. The hon. member will be aware that I cannot during 1942 guarantee that a school will be placed on that list, because I do not know whether my draft estimates will be approved. I think the hon. member Mr. Paroo missed the point which was stressed by the hon. Financial Secretary, that while there is an apparent small decrease in the provision for education made under the Indian sub-head, due to the fact that the provision of some £2,000 for passages has been transferred from the Education vote to Head 24 to which I referred previously there is, however, an actual increase of £2,000 in the total provision for Indian education. Regarding overseas bursaries, I am authorized to say that during the sittings of the Standing Finance Committee a proposal will be made to increase the provision under this item by £100. The hon. member Mr. Patel raised two other questions. One was the appointment of an inspector of schools for the coast. Your Excellency in your Communication from the Chair referred to the matter and said the inspector would be posted early in 1943. The second matter was the appointment of a European principal to the Government Indian Girls School. I would have been very surprised at the hon. member's objection had he not warned me by giving notice of a motion he will

[Mr. Lacey]

raise at the meeting of the Indian Advisory Council which will be held in the near future. It is not many years ago since he was a protagonist of a party demanding that Europeans should be appointed as principals to schools for Indians. The hon. member did not give any reason for the change, or state what caused him to change his mind. I am grateful to him for stating that the Indian community in this matter are fully aware that in putting up this proposal before Government I was actuated solely by the desire to improve the standard of the efficiency of the schools concerned. His plea is that the sentiments of the parents should prevail now, and I should consider those sentiments of greater importance than the efficiency of the schools and they would naturally have received my closest attention, particularly in view of the real shortage of European woman-power at the moment, were it not for the fact that I do not believe the majority of parents share the view expressed by the hon. member. He will pardon me for that doubt, because I would point out that one of the most advanced sections of the Indian community—and the only section I believe in East Africa which conducts its own secondary school—has considered it necessary to continue to employ a European in the post of principal.

The estimates of Arab education call for little or no comment, but there are two points. The first is that I am quite sure, and so are my inspectors, that we shall never make very much progress in Arab education generally until we tackle more seriously the education of the Arab women and girls, and I hope to do it in the future. The second point: the difficulty of recruiting and maintaining in the Service qualified Arab teachers is not getting less. We shall only overcome it if on the one hand we can persuade Arab parents to assist us in keeping their boys and girls at school long enough to reach the stage when we can send them to be trained as teachers either at Makerere or Zanzibar, and on the other hand it is essential that the terms of service under which Arab teachers are employed should be attractive.

The largest increase in the Estimates has been mentioned by Your Excellency, namely, under European education. You have explained the great increase in the numbers of European children resident in East Africa who require accommodation in Kenya. We are faced not only with the problem of providing accommodation for residents of East Africa but also for those coming in from as far afield as Persia, the Far East, Ceylon, the Sudan, and so on. The Uganda and Tanganyika Governments have agreed to pay their share of the expenses involved in providing additional accommodation for children resident in those countries. I feel sure that hon. members will agree that Kenya taxpayers will willingly assume some additional responsibility incurred in educating European children evacuated from countries either involved or likely to be involved in the war.

I cannot finish without two more comments. I am delighted to see that the hon. Member for Trans Nzoia has lost none of his enthusiasm for education and is still demanding colleges and universities. I must remind him that the population of Kenya is not possibly adequate to maintain a university, and would point out again that the overseas bursaries for European education are increasing. Regarding his remark about Schedule I of a development programme, the hon. member has asked a formal question and will receive a formal reply. Before sitting down I should like to refer to some of the comments of the hon. Member for Nairobi South. He objects strongly to special warrants; so do I. He then was surprised that the hon. Financial Secretary pointed out that there may have to be some alteration in my estimates as tabled. The situation is this. Two months ago only, it was perfectly obvious that we should need immediately in 1943 to increase the expenditure on education. I would leave it to the hon. member to suggest whether he prefers a special warrant or the estimates altered, or those needs to pass untouched.

DIRECTOR OF PUBLIC WORKS (MR. STRONACH): Your Excellency, several points were raised by hon. members in the course of debate which call for a

[Mr. Stronach]

reply on my part. The hon. Member for Aberdare and the hon. Member for Rift Valley raised the question of artesian boring; the former was disappointed that no provision had been made in the Estimates. Well, nobody is more anxious than I am that artesian water should be found in this country, and there are definite possibilities that it can be found, but before embarking on expenditure I suggest that we want the confirmation of a geologist, and it is quite likely that we may be able to get a geologist from Nyasaland if he is available shortly. Then I shall have no compunction in coming to the Standing Finance Committee for funds to carry out trial boring if we get confirmation from him. The hon. member Mr. Paroo mentioned the necessity of a pure water supply for Mariakani. I cannot promise this at the moment, but at least there are two boreholes in the vicinity which, when not required by the military can be brought into use at a price. The hon. Commissioner for Lands and Settlement has dealt with the points raised by the hon. Member for the Coast in connexion with African housing. The hon. Member for Kiambu referred to African housing as not having gone on because imported tiles were not available. There is no suggestion that imported tiles should have been used, either by the Public Works Department or Government, and it will interest the hon. member to know that orders were placed away back in March for local tiles both by the municipality and by Government.

The hon. member also advocated the use of prisoners of war for building. Upwards of some 2,000 prisoners are employed by the Public Works Department, and a very large proportion are actually engaged on building works. The hon. Member for Kiambu also stated that fifty carpenters were waiting to come to the Public Works Department. This was possibly true, there are or were fifty carpenters waiting to come out and there was a certain amount of delay, not due to my department, but we could not take them right away. What would interest the hon. member is that of the first batch of twenty car-

penters who came only four were carpenters—the remainder were boot-makers, confectioners, and other trades.

MRS. WATKINS: I have never seen better craftsmanship in all my life than in the carpenters supplied to me.

MR. STRONACH: That has actually been remedied, of course. The hon. member Mr. Kasim requested that certain native roads in Nyanza should be dealt with. I did not quite catch the names of the roads, but he has since handed me a list of names, and I propose to take action to deal with them. The hon. member Dr. Wilson and the hon. Member for Rift Valley referred to the omission of the post of road engineer from the Estimates. I think the hon. Member for Rift Valley had actually left the meeting of the Central Roads and Traffic Board when this question was raised and it was agreed I should take up this matter with the Standing Finance Committee. The hon. member Dr. Wilson also criticized the new alignment of the Gilgil Escarpment and stated that it was dangerous. This is the first adverse criticism I have had; everybody who has gone over the road thought the alignment was simply wonderful. The fact of the matter is that the hon. member travelled over that road when it was incomplete, and I do not know but that he was infringing the law by travelling on it at all!

DR. WILSON: On a point of explanation, I was referring to the road down the escarpment which to an amateur looked dangerous. There was no possibility of my travelling over that road!

MR. STRONACH: I thought the hon. member referred to the escarpment, but I can assure him that the portion he thinks looks dangerous at the moment will be at least twenty-five to thirty-five feet wide on top and will also have a wall to protect reckless drivers. The hon. member also referred to some work at Naivasha which had to be taken up and relaid. Well, it is often stated that doctors can bury their mistakes and engineers cannot. (Laughter). The fact was that a mistake was made by prisoners of war who were doing the work on contract, and they are relaying this particular section, which is not

[Mr. Stronach]

a bituminous section but an ordinary section, without expense to Government or loss of material. The hon. member Mr. Patel raised the question of coast roads and said they were still not what they should be; he also referred to road closures. The road closures are made on the advice of the Coast Advisory Committee and accepted by the Central Roads and Traffic Board, so that it is incorrect to say they can be closed at the whim of the divisional engineer at Mombasa. Regarding road improvements at the coast, a sum of £10,000 was made available for new construction in this year's estimates and it is likely that a similar sum will be provided in the estimates next year. In addition to this, additional money has been provided, but it has not been possible to carry on with the improvement programme at the coast on certain roads in view of the fact that the military authorities for defence reasons did not think it should be carried out. Hence it is quite likely that road closures were due to that cause. The hon. member Mr. Shamsud-Deen suggested there was no provision for permanent Asian artisans of the Public Works Department in the Estimates. In this connexion I would refer him to Head 32, item 39; increments are also provided. Lastly, the hon. Member for Rift Valley and the hon. member Dr. Wilson referred to the omission of any mention of the Naivasha water supply. I think it was last week or ten days ago the question was raised again, and I have put forward a proposal that a trial borehole, not in the place originally selected, should be carried out. If that is successful, proposals to provide a water tank and pumping plant will be gone into. The first thing is the trial borehole, and the advantage of that particular position is that if it is successful it will not entail the large amount of water pipe that was originally required.

DIRECTOR OF MEDICAL SERVICES (DR. PATERSON): Your Excellency, the estimates of the Medical Department for 1943 have gone up by some £19,000 over those for the current year to a total of about £280,000. They have not so

far been criticized on the ground that they are too large. A number of suggestions have been made, however, for increasing them in certain directions, and a measure of criticism was probably made by the hon. Member for Nairobi South suggesting that they are not nearly large enough or that they contain no indication as to the extent to which they might, or ought, possibly to be increased. Perhaps a similar criticism was voiced by the hon. member Dr. Wilson, who suggested that there might be lack of imagination on my part. But if my estimates are no larger, it is not necessarily due to any lack of imagination on my part, because imagination was not essential with regard to this matter, as the hon. member before he left this Colony had, in 1927, I think, produced and left with us a very comprehensive scheme for the extension of medical services, and I had nothing more to do than to produce it in its entirety in order to double our expenditure. In fact, we bring it out now and then, piece meal, and much of it has already been incorporated in our sanctioned estimates. The estimates we are now considering are, however, to all intents and purposes, the estimates submitted by myself to Government some months ago, and knowing therefore, that I only am responsible for their form, I would like to deal with one matter with regard to which I now think that these estimates will probably require to be increased. It has reference to the very important question of production in relation to the war effort which has been raised in this Council on more than one occasion during the course of the present debate.

Production is dependent on manpower; and we have already a very large number of men in the army as pioneers, in the military labour service, and so on, and we are being asked for more. There is a demand for African manpower, not only in the field, but on the land, and it is required not only in the settled areas, but in the native reserves, and in certain districts, and in connexion with certain industries it is not only manpower that is required, but woman power, and juvenile power, as well, but we are getting to the bottom of the well, and we can no longer get

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large numbers of A1 manpower and will have to rely more on the C3 class. The question arises whether we can do something to make these C3 people fitter to work. There are two aspects of the question, firstly, a medical one, and secondly, a psychological one. Now a large part of the activities of the Medical Department in the native reserves is concerned with the medical aspect, or "rehabilitation." It is done, in fact, at every hospital and every dispensary. To the second aspect I will refer later. During the past three years of the war it has been necessary to second some twelve medical officers to the army. It has also been necessary to appoint a number of additional medical officers to the towns in order to deal with the great increase of work which has taken place there. For example, I have had to post four extra medical officers to Nairobi, two to the Native Hospital, Nairobi, to deal with extra work there, and two more so that we may deal with increased work at, among other places, an institution mentioned earlier in the debate, namely, the General Dispensary, to which I shall refer later. Then again I have had to post another medical officer to Nakuru, and one to Nyeri and one to Makindu to deal with internee and refugee camps at these places. That has been possible, not by entirely denuding the native reserves, but by reducing the numbers of medical officers in these reserves, and I am not, therefore, able to do as much work there now as I could do in the past. It is an important consideration whether, if additional medical officers can be obtained, we ought not to get more now and post them to the reserves where the staff is inadequate.

That is a short term policy, to get people fit, to cure those who are curable, but it must also be considered, I think, from the long-term point of view, because the demand for increased production is not going to stop with the declaration of peace. Another point is, that having made these people fit, and having sent, or got them to go out to work, say, on farms in the settled areas, we have got to see whether we cannot now do more to keep them fit. I think a good deal can be done now

which was not possible in the past. In the past I have been pressed, from time to time, to open native dispensaries in the settled areas of the type we have in the native reserves. I have consistently refused to do so, and I shall continue to refuse, because I do not think they would serve any useful purpose there. In the reserves the people are thick on the land, and the native housewife does not keep epsom salts and things of that sort in her hut and has no supply of simple dressings, and so there, even the simplest dispensary serves a useful purpose. But the dispensary dresser of the reserve was not a patch on the settler's wife, and serious cases could be taken to hospital by car. But to-day many settlers wives are running their farms unaided, or several farms, and they are busy. Consequently, they have not now the opportunity or the time to deal with simple cases, or the tyres and petrol to take difficult cases into hospital at Nakuru, Eldoret or elsewhere.

During the last few years, however, we have trained some Africans who, in the reserves to-day, are running quite large African cottage hospitals where they do maternity work and child welfare, and so on. I think those Africans could now serve an extremely useful purpose in settled areas running cottage hospitals provided (a) that they get adequate supervision, and (b) that they suffer no interference from people who know less than they. There have been proposals from certain local areas to put up money for such hospitals. I do not wish, just now, to go into the question of where the money should properly come from; I think that ultimately it should be, in part at least, a matter for the district councils, if for no other reason than that when depression comes, if come it must, and there is a demand for economy all round, perhaps fewer of these places will be closed down than was the case in 1932 if local funds have been used for their construction. And so it may be that we should make provision now for more medical officers for the rehabilitation of the folk in the reserves and so increase our man power; and provision for cottage hospitals in the settled areas to keep that man power fit; and those cottage hos-

[Dr. Paterson] hospitals, I think, would have a considerable bearing on another aspect of the labour question, the psychological aspect to which I have referred. I would like them to be places not only for the treatment of the bachelor labourer, but for the wives of the labourer and for his children, and I should like to see them as places in which maternity services could be provided for the squatter's wife; because the average squatter's hut is not yet a fit place in which to have a baby. You might then have the African looking on a settled area, not merely as a place to which he comes only for a short time and merely to earn a tax, but as a place to which he brings his wife and family and where he is going to make his home and his career pending the time when he has saved enough money to buy a farm for himself and to retire to his own country-side.

The hon. member Mr. Patel said he would like to see a token figure inserted in the estimates for a group hospital at Mombasa. I do not know how we could put in a token vote for a sum of, say, £100,000, the least amount which would be needed. He also stated that the Indian wards in Mombasa and Nairobi were overcrowded and asked what could be done about it. He will remember that only this year more beds were provided at Mombasa, but I agree that still more may now be required and the point will be considered. He also asked if Indian medical practitioners could attend their patients in these wards. My answer is, yes, they can, and do. The hon. Member for Kiambu referred to maternity services. I am not exactly sure of what she said, but I would note that new maternity blocks were opened at Nyeri, Kericho and Fort Hall during this year, and that over 1,000 more maternity cases were dealt with last year than during the year before, and that about one out of five women in the Kiambu reserve now has her baby in a maternity home, a figure not yet reached, I think, even anywhere in England.

The hon. member also referred to the question of venereal disease and asked what was being done. Since I last spoke in this Council on this subject—the

Nairobi Municipal Council has appointed a lady medical officer, full time, solely for the treatment of African women suffering from venereal disease, and at present the Council are, I believe, considering whether or not to appoint more officers for this work, if they can get them. In the interval, also, the Army has established a very large camp near Thika with the object of ensuring, as far as possible, no African is discharged from the army suffering from venereal disease, and that no African is allowed to go on leave to a native reserve or elsewhere while in an infectious condition. I hope shortly also to post a European health sister to Nanyuki, where there is obvious need for one to deal with the women there. But what we have still to do is to ensure that the increase of venereal diseases, which undoubtedly is considerable, disappears as soon after the war as possible, and one main line of approach to that question is the establishment of such housing in our towns that there our African population can have houses which will be homes. The hon. Member for Kiambu also referred, and in a somewhat disparaging fashion, to the remarks Your Excellency was pleased to make regarding the control of mosquitoes in Mombasa. All I have to say is this. In another part of the important Indian report which Your Excellency quoted in your address, a report by a committee appointed by the Government of India to consider the organization of mosquito control in connexion with the prevention of yellow fever in all the ports of India, there occurs the following statement:—"The Committee consider that the organization of this work in India requires a whole-time officer, and whenever it is undertaken a permanent Inspectorate and organization are desirable. Dr. Mahaffy advised that the whole-time officer should be sent to Mombasa in order to study the anti-mosquito organization there which is on the South American model and this step is recommended by the Committee." That deals with "civil" mosquitoes. Regarding "military" mosquitoes, I will only say that I would like to pay a personal tribute to the energy, ability and capacity for co-operation of the military

[Dr. Paterson]

malaria unit on the coast who have done a very great deal of good work, and to whom we are very much indebted indeed.

Turning from major matters affecting the public health, I would crave the indulgence of Council for a moment while I deal with the somewhat remarkable statements which were made by the hon. Member for Kiambu with regard to the General Dispensary in Nairobi. I would prefer not to take up Council's time with this matter, but the statements by the hon. member were so exceedingly inaccurate, so misleading and so derogatory to a department of Government that I am afraid I must say something about them. Furthermore, as I have had an assurance from the hon. member that she proposes to say what she said in a good many places, and as she omitted to say here some things which she said to me elsewhere, which have an important bearing on the matter, it seems to me that I have got to make as sure as I possibly can that if ever she does mention the matter again she tells not only the truth, but the whole truth. From what the hon. member said one would imagine that the General Dispensary, Nairobi, was an extremely ineffective, inefficient, unorganized or disorganized institution in which one tired sub-assistant surgeon endeavours single-handed to deal with some 300 new cases every day. What are the facts? The facts are as follows: The institution, I must admit, has in the past been a source of great anxiety to me, and I am not entirely satisfied with it even yet. Nevertheless, there is in charge of that institution a medical officer of considerable seniority in whose general capacity, not only I, but a very large number of members of this Council have got the very greatest confidence, and he is engaged almost entirely in looking after the African patients at the Dispensary. There is also an eye clinic open from 11 a.m. to 1 p.m. every day: it is held by the ophthalmic specialist, and he has a European nursing sister to assist him, as well as a highly trained hospital assistant. Then there is a European assistant surgeon dealing with Asians. There is a European nursing sister by

whom all African women and children are seen. Then there are two sub-assistant surgeons who deal with the general run of cases, and to-day, I am very glad to be able to say, there is a dentist. And the number of new cases per day is not 300, but about 200, and they are divided up among the very considerable staff I have mentioned! Considering the fact that we are at war and that staff is not too easy to come by, and the needs in many places very great, we have made, I think, fairly adequate provision at the Dispensary.

I have now to deal with the specific case which the hon. member mentioned. From what she said one would gather that she brought an extremely seriously injured African to the Dispensary and that he could not obtain any treatment there at all, except ill treatment. The hon. member also informed us that things, in her view, were so bad that she lost her temper, but she did not give the Council a piece of information which she had formerly given to me, and I crave the liberty of the Council to read an extract from an earlier statement with regard to the matter given to me in the form of an affidavit by the hon. lady herself. Having got the African out of a small car—I shall refer to that point later—"they then tried to make him lie down. As he was bleeding from the mouth I stopped this, and asked for a pillow or several, as, if it had been blood from internal damage to a lung, I knew that it might collect in his lung if he lay flat." That seemed to me to be a rather unsound procedure, but, having been engaged in nothing but administrative work for the last twenty-five years I thought it better to get another opinion and I asked my surgical specialist. His view, as one might expect, is that if a patient is probably bleeding from the lungs he ought to be kept lying down, and not on any account allowed to sit up! Anyhow, only a somewhat small pillow was forthcoming, and so, to continue with the hon. lady's account:—"I took an office chair and inverted it behind the patient on the stretcher to keep him in a sitting position while he was being carried." Then, "I waited by the patient. The doctor started searching for his kipande, and then told an

[Dr. Paterson]

orderly to do so. I then suggested disinfecting his wounds and examination should take priority as he seemed in a bad way. I was met by the quite astonishing statement that 'We never deal with anything like this here, he will be taken up to the hospital presently, we only brought him up here to look for his kipande, we cannot possibly do any more for him here.'" Then there were some complaints about chipped ice not being available! Now to turn again to facts, the patient in question was not bleeding from his lung—he had had two or three of his front teeth knocked out, and he had an abrasion on his forehead, and he was, as he had fallen off a bicycle suffering perhaps from shock. The sub-assistant surgeon, in his report, informed me that "during the time Mrs. Watkins was in the out-patient department she went on disturbing me with some questions and suggestions and never permitted me to do what I thought best." There was a complaint also regarding the fashion in which the African was got out of the car.

I think that one serious mistake of commission was made with regard to this case, and possibly another, but much slighter one. The first, the serious mistake, was made, however, not by the dispensary staff, but by the hon. member herself, the lesser mistake which may have been made was that a member of the staff may not have handled the patient very well in getting him out of a small car. This was done however, by a large Luo dresser of some fourteen years experience, and I venture the opinion that if he had been left to himself he might have managed it better—

MRS. WATKINS: On a point of explanation, I could not tell where he was bleeding from, his mouth was so full of blood and he was choking so badly he could not lie down, he was trying to bring up blood all the time. I could not tell where the blood came from.

DR. PATERSON: If I may continue? I also think the dispensary staff made a rather serious mistake in allowing the person who accompanied this patient to come into the dispensary at all, but I

think they are to be congratulated on an omission: they omitted, as far as I can see, to lose their temper, in spite of the fact that they had, I think, a great deal of provocation. (Applause.)

MR. DAURNEY (Director of Veterinary Services): Your Excellency, I rise to deal as briefly as I can with one or two points raised in this debate. I have my watch in my hand, and my hon. friend on my left is figuratively holding my coat tail! The first point relates to the Live Stock Control. The hon. member Dr. Wilson, if I understood him correctly, stated that it was unfortunate that Government had not seen fit to take hon. members into their confidence about the profit earning capacities, and possibly the intentions also, of the Live Stock Control and the Meat Control, and that it was a pity that the public had been left to find out these things for themselves. Well, all I can say as regards the Live Stock Control is that a balance sheet duly audited has been published in the Official Gazette for every six months period the Control has operated, and I am sure that with the many official appointments he holds the hon. member receives regularly copies of the Official Gazette. It would take no great effort on his part to find out just exactly what was happening. With regard to the sum of £32,000 representing the accumulated profits or general reserve of the Control over a period of two years, that if you look at in the light of the number of animals handled, 296,000 head, it works out at a matter of Sh. 2/18 per animal and that does not leave you very much margin to raise the price of animals or to reduce the price to the consumers. Then again, if you compare this sum of £32,000 with the total turnover of the Control during that period you will find it represents 5.3% of the total turnover, and I am sure there are business men on the same side of Council as the hon. member who would be ready to assure him that that is not an exorbitant rate of profit. In fact, I think it is working as nearly as possible to the point at which no profit is made. I inferred that sum of £32,000 from my predecessor at the Live Stock Control and during the period that I have been Live Stock

[Mr. Daubney]

Controller certain changes have been made in the method of purchasing and selling animals; as a result of those alterations, which have involved reduction of the price of native cattle to the military and are involving at the present moment an increase in the price of native cattle as paid to the producer, there may not be any great cause for complaint at the end of the next period of twelve months about this Control making unnecessary profits.

The hon. member Mr. Kasim referred to the fact that there some four million head of native cattle in the country, and wondered why (a) we should be short of supplies and (b) we should import from Tanganyika and other colonies to meet our needs. The population, as he knows, has increased considerably, and there have been difficulties affecting the distribution of our supplies of cattle. The noble lord, the hon. Member for Rift Valley, has mentioned the difficulties of the distribution of food supplies, and the difficulties in the case of live animals or of meat are very real and great. I agree that the cattle population is large, and I hope we shall be able to increase supplies of cattle available for slaughter from that cattle population, but at the same time I believe that in the large urban centres of Nairobi and Mombasa and so on we shall have to accept the fact that food supplies are short, and I have given consideration to and am trying to organize a system of rationing which should result in a reasonable offering of supplies in Nairobi. There were no other points regarding the Live Stock Control except that the hon. member Mr. Shamsud-Deen referred to our losses from condemnation. I am happy to say that the municipal medical authorities and health committee have met me on the point that I have raised regarding meat inspection, and we have in effect adjusted our standard in order that we should not waste any meat in this time of war. The only other remark of the hon. member Mr. Shamsud-Deen referred to the conflict—I do not mean physical conflict—but the conflict of interests between the Live Stock Control and private enterprise. It is an unfortunate feature, perhaps, a feature of all Con-

trols, that they do come into conflict with private interests, and as far as possible the Live Stock Control endeavours to give as much freedom as it can to private enterprise, but it is impossible at times to avoid coming into conflict in the performance of the public duties necessitated by the Control. That is all about Live Stock Control.

The hon. member Mr. Patel referred to the shortage of liquid milk in Mombasa. There are several reasons why that shortage is acute just now. For one thing, there has been a very considerable increase in the consuming population in Mombasa, and another reason is that the dry season has been on and production from the surrounding native areas has been lowered. There is a further difficulty which arises in the hot weather, that supplies of milk cannot be taken over long distances by train to Mombasa, even if pasteurised, unless there is provided some form of insulated can. These cans, I am afraid, wear out and the producers are not able to replace them as rapidly as they would like to. There has, I think, actually been another contributory cause, which has been a difference of opinion between the Indian dairymen on the island and the authorities regarding the Price Control Regulations. The Provincial Commissioner and my department have been investigating the position in Mombasa, particularly with reference to the distribution of supplies to the poorer class of consumers. We propose to take steps in the organization of this distribution that may ease the situation and, with regard to increasing the supplies, we are also taking steps to organize supplies from Mariakani and from further upcountry with the idea of making additional supplies available, but we cannot expect any very rapid increase in the supply. He suggested finally that we might take up the problem of eradicating the tsetse fly on the mainland so that cows can be kept there and the supply increased. I cannot go into that question at this stage; it is a big question, the eradication of the tsetse fly area will take several years, and it could not possibly have any immediate effect upon the milk supply to Mombasa.

Council adjourned at 1 p.m. and resumed at 2.30 p.m.

MAJOR CAVENDISH BENTINCK: Your Excellency, I have very little to add to the debate, but it is the one opportunity one has of making suggestions for inclusion in the Estimates for investigation by the Standing Finance Committee.

Arising out of the remarks made by the hon. Commissioner of Lands and Settlement this morning when he referred to certain recommendations which had been submitted to Government by the Land Board on the subject of the provision of land for returned soldiers and new settlers after the war, provision of land at prices which make it possible to undertake economic farming, I should like to ask whether some token vote can be included in the Estimates to show that Government has more or less accepted the policy that they will do all they can towards the reacquisition of land for this purpose. There is under Head 18A, page 55 of the Estimates of Expenditure of my hon. friend's Department, an item of £5,000 which is a token vote for expenses of "closer settlement." Whether the type of expenditure I refer to can rightly be included in that I do not know, but I would like to ask the Standing Finance Committee to go into that matter because I feel that as compared with South Africa and Southern Rhodesia and other parts of the world we are sadly lagging behind in the provision of land for post-war settlement.

There is one other small matter to which I wish to refer, and that is contained in the Estimates of Expenditure of the hon. Director of Veterinary Services. Under head 38A there are items of expenditure on tsetse fly control, and this matter was referred to by the noble lord the hon. Member for Rift Valley. I believe that it has been suggested by the Standing Finance Committee that expenditure of this kind will have to be borne as to half by the farmer concerned, the land-owner concerned, and possibly half will be contributed by Government. Now I entirely disagree with that. I think that the country has an infestation or a pest or plague it is

up to the Government of the country to take such measures at public expense as are possible to relieve the country of that threat. I quite agree that "maintenance" measures should be compulsory and should be defrayed by the people concerned, but the cost of clearing and the cost of the measures which we have in view at the moment should be borne by the State, and with that end in view I would ask the Standing Finance Committee to seriously consider whether they cannot increase the amount which stands against item No. 2 of head 38A on page 98.

Lastly, the only matter to which I would refer is in connexion with production and is the question of European manpower. The noble lord representing Rift Valley this morning gave us figures of releases of European manpower, and his figures, of course, were mathematically correct. At the same time I think I should point out that they do include a number of men who had been automatically released by the military authorities, presumably either because they were of a certain age or ill, or who, for one reason or another, were not wanted any longer in the military forces. I did give exact figures from my point of view in a statement I made recently to the Production Board and they appeared in the Press. Unfortunately during the interval this morning I was unable to lay my hands on that statement, but I have the figures here and, without going into them in detail, up to last month we had asked for some 244 releases, of which 142 were actually released and 102 were refused; seventy-nine other men were "discharges" of the type to which I have just referred, of which forty were farmers or people living upcountry. That does give a slightly different complexion from my point of view. If we are to increase production we have many difficulties to contend with; I will even go further and say if we are even going to continue to produce at the present level we will have many difficulties, and one of them undoubtedly is the ability to produce a sufficiency of European manpower so that agricultural activities are properly supervised. I would not like these remarks to be misunderstood and

[Major Cavendish-Bentinck] taken to be an attack on the military authorities, because I would like most categorically to stress that certainly during the last year I have found that the military authorities have been most sympathetic and, being aware of their own difficulties, I would say that they have been most helpful in regard to meeting us on this very difficult question.

Before leaving manpower I would like to endorse what has already been said and that is that the native labour position is to my mind very very serious, and it is not because there is such a shortage of native manpower. By and large—and I am in fairly close touch with what is going on all over the country in the agricultural sphere—the shortage of men counted by heads is not very serious; but the shortage of output is catastrophic! The trouble is that there is no discipline; no will, as far as I can see, to work and help in the war effort, and farmers just do not dare discharge men because they feel that they will not get out of fewer men even the small output they get from a totally disproportionate number of labourers. I do hope that this is realised—I know it is by Your Excellency—but I hope it is realised by all members opposite, because I feel a great deal more can be done to try and instil in the native mind that he is in this war just the same as we are, and that the European, and Indian for that matter, is supposed, and does I think do, any job in the war effort that he is asked to do. I feel that the native not only should try and do his best, which he certainly is not doing at the moment, but that he also should do any job he is asked to do in the war effort.

MR. MONTGOMERY (Native Interests): Your Excellency, arising out of what the last speaker has just said, I, as Deputy Director of Manpower, would like to put the position, not necessarily to compare his figures with those figures put up by the noble lord the Member for Rift Valley. I gave you the figure of 230 men who had been released from the Army since the beginning of the war. The hon. Member for Nairobi North was quite right in saying that not all of those were released for produc-

tion purposes, but the majority were in connexion with production. Since that figure was given to you, Sir, we have been allowed by the military authorities to call on district committees to put up names of further people, and seventy-four for Kenya were submitted, of whom, I think, over half have already been released, and they included a number of names which had been refused. The General is now considering the proposition put up by Mr. Gherie and myself that Kenya should be given a quota, and that quota will be in the neighbourhood of 100 for Kenya, which would give this Colony the opportunity to ask for approximately forty more releases. I understand that position may be met in the near future when the District Committees will be asked to put up their recommendations. I thoroughly endorse, being right in the game myself, how very well the military authorities have responded to the requests of Government for releases from military service, and I am inclined to challenge the comments made in a certain newspaper that they are not playing the game. They are playing the game extremely well, and the number of men released for production purposes has been, if not entirely adequate, at any rate very reasonable.

MR. RENNIE: Your Excellency, most of the points raised by hon. members on the other side of Council have already been covered by speakers on this side, but there are one or two to which I might refer.

In the first place the hon. Member for Aberdare raised the question of native broadcasts and expressed doubt whether experience had shown that these broadcasts were really justifiable at the present time. This is a matter that has received consideration recently by the Information Office Advisory Committee, and a proposal to reduce the number of broadcasts was considered by that Committee to be inadvisable. Such statistics as the Information Officer has indicate that at thirty stations the average attendance is round about 120, and the weekly figure of listeners throughout the Colony is in the region of 50,000. The Information Officer himself attended at two listening posts

[Mr. Rennie] recently, one at Nyeri and the other at Karatina, and in both cases the figure of attendance was round about 200. The Information Officer has made the point in discussion with me that there may have been some falling off recently because the news has been on somewhat similar lines until about a fortnight ago, with a great deal of talk about the fighting at Stalingrad. Recently he thinks that the better news has quickened the interest of the natives in the broadcasts and he expects rather better attendances than that figure I have indicated. The hon. member referred to the mobile cinema and suggested that it would be a very good thing if the Government multiplied the number of cinemas. Well, Sir, that is a question that we went into as far back as 1940 and early in 1941 we asked for a second mobile cinema from England, but up to date, owing to the shortage of equipment, we have not been able to get that cinema. The suggestion was made during the course of last year that the United Kingdom authorities might be able to supply the equipment if we could supply the necessary van locally. We agreed to that, but so far the equipment has not been forthcoming. I agree entirely with the hon. member when he says that this is one of the best means of propaganda that we have. I read a recent report by Mr. Champion, whose excellent work we all recognise in this connexion and he stated there that during that tour he had shown to some 120,000 natives and the average attendance was roughly 2,000 at each show. The Information Officer, realising that this form of propaganda is a most useful one, has recently inaugurated a film library and he has asked a number of private persons who have the necessary 16 mm. projector to show films, not only those which have been sent out by the Ministry of Information, but also those which Mr. Champion has taken locally, and those of us who have seen Mr. Champion's films—and I think most of us here have—realise how excellent from the educational view-point these films are. The second point to which I would refer is the Police report. I understand from the hon. Member for

Aberdare that hon. members on the other side of Council would welcome an opportunity of discussing this report. I may explain that the report, or rather the financial aspects of it, have been under consideration by the Standing Finance Committee for some time, and I hope they will complete their consideration next week; but Government itself has not yet had an opportunity of arriving at decisions on the report, and if hon. members on the other side of Council feel that it would be helpful to Government before it arrives at final decisions to have a debate, an opportunity will be found, I hope, during December for that debate. The third point to which I would refer in the speech of the hon. member is the question of enemy aliens recently released from South Africa. He expressed himself somewhat apprehensive about these releases, but I can assure him that no single enemy alien is released and brought up from South Africa until his case has been most carefully reviewed. His past history is gone into most systematically and thoroughly, and in every case you yourself, sir, are the final arbiter to decide whether he should be released or not. The hon. member has been good enough to give me the names of enemy aliens about whom he has been apprehensive, and I have gone into the matter with our Director of Security, and in each case he assured me he is perfectly satisfied that no harm is likely to result from the release of those persons in Kenya.

Turning to the speech of the hon. Arab elected member, I must confess that I was astonished when he stated that the Arab community as a whole is not prepared to help Government, and I was very glad indeed to hear the hon. Provincial Commissioner state that he did not share that opinion, and my pleasure was enhanced when the hon. nominated Arab member confirmed the Provincial Commissioner's statement. You are well aware, Sir, of a number of matters about which Government has been in correspondence with the hon. Arab elected member, and you are also aware that in one or two cases we have not been able to meet his wishes entirely. He referred to the matter of

[Mr. Rennie] pensions, and I may say that that matter is by no means a simple one. The plain fact is that as far back as 1927 Government made up its mind that any future appointments should be on a non-pensionable basis, and an officer who was appointed Liwali at the time was plainly told that his appointment would be non-pensionable. It is perfectly true that there has been some divergence of view on the subject, and in an attempt to arrive at a complete and accurate history of the matter I have had an examination made of papers covering the past twenty-two years. I regret to say that in some cases the Secretariat file has been responsible for some gaps in our research, but we arrived at certain conclusions, and I am glad to be able to say that at a recent meeting of the Standing Finance Committee we put before the committee for consideration certain proposals which should, I think, go a long way to remove any grievances the Arab community may have in respect of this matter. As regards the hon. member's statement that Government does not treat the Arabs fairly I must admit that that surprised me a good deal, because shortly after you, sir, came to this Colony you made it perfectly clear to me and to others that you were most sympathetically inclined towards the Arab community and most anxious to help them in every way, and to my knowledge that has been the policy of Government during the past three years. The hon. member has on various occasions, as I have stated, made representations and some of these points are still outstanding. As recently as June last, when I was at Mombasa, I made inquiries from the Provincial Commissioner of the Coast and asked him about two points about which there had been recent correspondence. In both cases he gave me to understand that after discussions in Mombasa both points had been remedied as far as possible, and it was on that assurance that I was reasonably happy about the Arab position. I may add that if the hon. member feels that we could in any way resolve any difficulties that may exist by discussion, I shall be only too happy if he will come along and discuss matters

in my office at any time and see if we can settle any point still outstanding.

Turning to the speech of the hon. Member for the Coast, I think the question of native housing has been dealt with very thoroughly by the hon. Commissioner for Lands and Settlement. There is only one note I would add to his remarks, and that is that within the past few days you, sir, have discussed with the Mayor of Nairobi and representatives of the Town Council and also of the Chamber of Commerce, what action should be taken immediately to improve the housing situation, and you have decided that an *ad hoc* committee should be appointed to go into the matter at once and see what steps can be taken as a matter of urgency. Turning to the speech of the hon. Member for Kiambu, there is only one point I would touch on there and that is the question of the employment of prisoners of war. I appreciate her point about using gangs of prisoners as building units and, indeed, something of the sort is being done at the present time, and also for market gardening purposes. Both of these possibilities have not been lost sight of when the use of prisoners of war has been under consideration at various times, but we come back to the old snag which crops up time after time when we try to make some use of prisoners of war, the question of guards. Normally speaking, if gangs of prisoners of war are used, they have to be guarded, and to employ 20,000 on market gardening or building purposes would require a very large number of guards indeed, and our difficulty throughout has been the difficulty of obtaining guards. It is only on certain occasions when we have been able to provide guards that we have been in a position to proceed with some urgent scheme. There is also the difficulty of transport and accommodation. If prisoners go out to work from their camp they have to be transported to and from the scene of work; if employed away from camp, they have to be accommodated, and these are the difficulties which, in a good many cases, have prevented a free use being made of prisoners of war. The number of prisoners that are in employment at the present time is very large.

[Mr. Rennie]

The hon. Director of Public Works has mentioned the figure of prisoners under his own department, but there are in addition a large number of prisoners of war employed on various duties. When I last went into the matter I think the figure was in excess of 10,000.

The question of the Information Office was raised by the hon. Member for Mombasa, and also by one or two other members, and I note that there are divergent views about this Office which is so characteristic of opinion about it. We have had a considerable amount of pressure put upon Government from one source recently to increase the Information vote very largely, and I know, speaking from past experience of discussions in the Standing Finance Committee, that a number of members there will be very reluctant indeed to agree to even the sum appearing in the Draft Estimates. It depends very largely on one's point of view, but I think we are all agreed that if there was no Information Office at the present time so far as the Africans are concerned it would be much more difficult to keep their morale as high as it is just now. The hon. member Dr. Wilson touched on the question of a provident fund for Africans, and the Arab and African Terms of Service Committee report. This is a very important document and, as was indicated earlier in the discussion this morning, important matters cannot be pushed through without some consideration. In the first place, as it affected all departments of Government, heads of departments were consulted; thereafter it was studied in the Secretariat before being brought to Executive Council. Executive Council raised a question of basic principle about which I consulted the chairman of the committee, and the committee went into that particular point, and reported back on it, and recently a sub-committee of Executive Council, with the chairman of the Arab and African Terms of Service Committee and one or two members, have been going into matters and have now, I think, agreed on joint recommendations. The report will come up before Execu-

tive Council shortly, and thereafter the financial aspects of the report will be referred to the Standing Finance Committee for consideration. I trust it will be possible for Government to come to a final decision on the matter in the near future. The question of a provident fund for Africans is one of the recommendations of the report, and since the report suggested not only a provident fund but an annuity scheme we consulted the home authorities on the annuity scheme many months ago and now await their reply. I trust when we are in a position to implement the report, there will be no delay so far as the provident fund is concerned.

Turning to the speech of the hon. Member for Nairobi South, I appreciate his point about contingent liabilities and no doubt he will be able to explain his proposals in Standing Finance Committee next week. The figure to which he referred as indicating the extent of the surplus balances is no doubt a figure that can be challenged. There are, on the one hand, several contingent liabilities which might be set off against it; on the other hand, there are items which might well be considered to be an augmentation of that balance if we took them into consideration. I refer to items charged to revenue which might be regarded as normally charged to loan. No doubt these are points to which we shall give consideration next week, and I am sure the hon. member will be able to put his views forward in detail to the committee. The hon. Member for Trans Nzola predicted a surplus of three-quarters of a million in 1943. I trust this prediction will have a much more satisfactory fulfilment than some other predictions of his of which we are aware. Turning to the speech of the hon. member Mr. Patel, there is only one point, I think, on which I need comment. He referred to the overworked magistrate in Mombasa. Representations have been made to Government recently not only about the overworked magistrate in Mombasa but also in Nairobi. Price Control cases take up a great deal of time of both resident magistrates, and we have been trying recently to see whether we could get personnel to help them. As hon. members are aware, additional per-

[Mr. Rennie] sonnel is not a very easy thing to come by at the present time, but if it can be obtained I hope that in the near future some assistance will be given in both cases.

Turning to the remarks of the hon. member Mr. Shamsud-Deen, I am very glad indeed to hear him compliment the heads of departments on this side of Council. In these days brickbats rather than bouquets are the normal lot of a head of department, and a word of encouragement such as he gave will, I am sure, fall very pleasantly on the ears of the heads of departments concerned. Regarding the speech of the noble lord the hon. Member for Rift Valley, there are just one or two points I would touch on. He, and also the hon. Member for Nairobi South, referred to the question of the tsetse fly campaign. The position is that a draft bill is in course of preparation which will deal with tsetse fly reclamation areas, and certain proposals have been made by the hon. Director of Veterinary Services which should enable the clearing of the tsetse fly areas to be put on what he hopes and Government hopes will be a well organized basis. The question of finance is one, for careful consideration, and although the matter has been before the Standing Finance Committee already with reference to one particular area, when the draft bill is ready the matter will again be referred to the Standing Finance Committee to make its recommendations on the question of general principle. If in any particular area special circumstances exist which justify special treatment for that area, no doubt that will be provided for in the draft bill.

The noble lord mentioned the question of a road engineer and asked why the post was not included in the Estimates. I have made inquiries on that point. I was not present at the meeting of the Central Roads and Traffic Board when the matter was discussed and was not therefore able to follow up the point after the discussions, but I gather that the financial side of the Secretariat considered that since this road engineer would be appointed chiefly in connexion with the road scheme for which provision is made in Public Works Extra-

ordinary, if it were possible to appoint him, and that is a matter the hon. Director of Public Works would have to go into, his salary might be charged against that particular vote. If the Standing Finance Committee feels that provision should be made in the Public Works Department estimates, that is a point that can be gone into next week. The noble lord also referred to the question of leave for officials and asked what Government policy was at the present time and after the war. The present policy, I think, is fairly well known, that apart from local leave, which we encourage officials to take to give them a break from work and to improve their health, by and large very few Government officers are allowed long leave at the present time. They are allowed leave only on medical certificate. That is the present policy. As regards after the war, the noble lord made the point that it would be hardly proper to allow very large amounts of accumulated leave to be worked off after the war. I agree entirely with him there, and have long held the view that some maximum will have to be set to the amount of leave that can be given to Government officials after the war. That is a matter that will require careful consideration by the various East African governments, and it is under consideration at the present time. A point to be remembered in this connexion, and which is sometimes overlooked by those most closely concerned, is that leave is a privilege and not a right. An officer is not entitled to leave, he is eligible for leave; when the question of leave to officers is under consideration that point should be carefully kept in mind.

The noble lord also referred to the powers of the hon. Chief Native Commissioner. This was a matter settled before I came to this country, but I think the noble lord is well aware of the discussions that took place both here in Kenya and in London on this subject, and the present position is the result of the decision then arrived at. Any attempt to reopen the question would need very careful consideration indeed. It is a point that I have not had an opportunity of consulting the hon. Chief Native Commissioner himself

[Mr. Rennie] about, but so far as I am aware he is reasonably happy with his present powers and has made no particular complaint to me on the subject. The statement was made that the Chief Native Commissioner is not allowed to go into any particular province without the permission of the provincial commissioner concerned. That is news to me, and so far as I am aware the hon. Chief Native Commissioner, just as I do myself, arranges before he goes off on any particular safari with the provincial commissioner concerned the details of his tour and carries out his tour on an agreed itinerary. I am not aware of any distinction made between him and me in that connexion. The noble lord mentioned the Police Force, and asked whether the Commissioner is satisfied with the strength of his Force. Well, as regards Europeans there is a very definite shortage at the present time. We have several vacancies for assistant inspectors, and we have been trying for many months now to fill these vacancies from South Africa, Palestine, and the United Kingdom, and only very recently we heard that a number of officers have been selected in England and will be out here shortly, so that the deficiency in that respect should be met to some extent at least. As regards the African strength of the Force, I would merely invite attention to Appendix C, page 108, showing the strength of the supplementary Police Force, and ask the noble lord to compare that with the strength shown in the Police head of the Estimates; he will see that there has been a very large increase indeed to the Police Force during the war. The Force has more than doubled itself as regards actual personnel.

On the question of the recent strikes the noble lord said that Government had to admit that the strikers had a good deal on their side, and wondered why something had not been done earlier. Well, the noble lord like myself was a member of the Railway Advisory Council for a good part of the time since the outbreak of war, and neither he nor I heard very much about dissatisfaction among the Arab and African employees of the Railway Administration. When

he states that Government had to admit that the strikers had a good deal on their side, I think he was referring to the fact that, shortly before the strike occurred, Government had received the report of the Fact Finding Committee which gave that committee's views on what constituted a fair and reasonable wage to Arabs and Africans; also to the fact, which Government had in mind, that in recent months owing to pressure on the population at Mombasa and the food shortage there the cost of living had risen considerably, so that Government had to admit that the strikers had a good deal on their side. When I use the word "Government" here, I should really say Railway Administration, because it was the Railway Administration that had the largest strike in Mombasa. Turning to the speech of the hon. member for Nairobi North, I have already mentioned the question of tsetse fly control and expenditure connected therewith. He has asked that a token vote for the re-acquisition of land for settlement after the war should be inserted in the Draft Estimates. The recommendations of the Land Board in this connexion reached me only two days ago, and I think they reached you, sir, yesterday, so that Government has not yet had an opportunity of studying the recommendations very fully. In the circumstances, I do not think he would ask me to commit myself or Government to any definite statement regarding the re-acquisition of land at the present time. This matter, however, will be taken up next week in Standing Finance Committee, and the committee will be in a position to make recommendations on the subject. That, I think, concludes my remarks.

MR. TESTER: Your Excellency, questions in connexion with the finances of Controls have been raised by more than one debater and I am not quite clear as to exactly what is required, nor perhaps are hon. members themselves. I think this attitude of mind is quite justifiable because there are Controls of varying scope, some with financial implications and some without, and there are also Supply Board organizations, all of which are I think generally classed as

[Mr. Tester]

Controls. Already on the draft agenda of the Standing Finance Committee there is an item which will give an opportunity for questions to be discussed in detail to see what is required in detail and what should be done. I consider, however, that a statement on broad lines would be useful to members and is due to them. I think the two points on which interest chiefly centres are the staffing arrangements of the Controls and as to the contingent financial liabilities in connexion with them. In regard to staffing, a very comprehensive statement is being prepared and is actually in draft at the moment, and I am sorry that the hon. member Mr. Shamsud Deen is not here because I could tell him that no salary in this statement exceeds £2,100.

First of all there is an organization known as the East African War Supplies Board. This is not a Control, but I am quite sure that the public generally look upon it as a Control and think possibly that this Government has a large financial liability in connexion with it. If we can dispose of this point we shall have dealt with an organization which has immeasurably the largest financial turnover and its activities are very widespread indeed. The War Supplies Board consists of a number of senior military officers and others, as well as the Financial Secretaries of Kenya, Uganda and Tanganyika. The presence of those Financial Secretaries does not imply that there is any financial liability on the part of the Governments. These Financial Secretaries are there to advise on general subjects in connexion with military spending, such as how inflationary tendencies can be avoided; how to avoid clashes between military and civil demands, and such general policies as those. The only way in which the Kenya budget is affected is that each of the three Governments has one officer on the staff of the War Supplies Board. I think that is thoroughly justified, as this experienced local official is of great help to the military and at the same time avoids unnecessary interference with local economy which might, with the best will in the world, be brought about if that local experience were not

in the organization. Mr. Norton is chairman of the board, and the board has entrusted to me the duty of securing that the details of the administration are economically carried out as regards staff, and that financial irregularities are guarded against and certain reserves maintained. Contracts are made in the name of the General Officer Commanding in Chief with traders and controllers. The turnover and anything in the nature of a bird's eye-view of this Board's transactions are, for security reasons, not open to investigation, but I can assure hon. members that there is no contingent financial liability in connexion with this board as far as the Kenya Government is concerned. I hope this will clear the air a good deal because, as I stated before, this is immeasurably the largest financial organization in any way connected with control or supply.

I now come to the controls to which there is a financial liability attached. I think the possibility of a call on Government funds in connexion with the controls is very remote indeed at present, but the danger point may come when the question of the cessation of the controls arises, and when the strong demand for supplies is tailing off. It is then, I think, that special care will have to be taken to avoid loss. In this connexion the advice of the Standing Finance Committee on general lines I am sure will be valuable as well as welcome. I would like to go a little more into these Controls, although I am afraid it is rather boring for members, because the demand for information certainly has been widespread and I should like to meet it.

In connexion with the Pig and Wool Controls, both of these are administered voluntarily by Mr. Geoffrey Hunter. There is an element of risk in so far as the price of pigs is guaranteed for short periods ahead. If within the period the Control could not sell its products there, might be a loss, but at present supplies are far less than demand and there is a reserve of about £5,000 in the Pig Control. The Wool Control has a contingent financial liability because we have advanced fifty-five cents a pound on wool and the

[Mr. Tester]

Control then stores it and takes the risk of selling it. Up to the moment sales at prices far in excess of fifty-five cents have always been readily made and shipping has been available. A favourable point in regard to Wool Control is that the demand in East Africa for wool for spinning by refugees and others has sprung up rapidly and it is quite possible that in the fairly near future it will absorb the whole of the Kenya clip. The Coffee Control is run almost entirely by the industry and as far as Government is concerned on a voluntary basis. Government guarantees to make advances to growers, small advances, before the coffee is sold and the money is obtained from the buyers. In present circumstances there are no signs whatever that this guarantee is likely ever to be called for. We have a Jute and Local Bag Manufacture Control and we are fortunate to have Mr. Goodhind as Controller on a voluntary basis. Such contingent liabilities as have been incurred by this control are fortunately all over. When the situation was critical in the Bay of Bengal the Governments concerned, the Home Government, the Indian Government and so on said that we must make every arrangement to get jute bags. We therefore had a contingent liability which no longer exists and hon. members will welcome the news that we have in the country a supply of jute bags sufficient to supply demands for a number of months ahead.

Mr. Goodhind is also Salvage Controller and at the moment he has not been able to dispose of salvage at a cost to cover collection. On psychological grounds it is not proposed to discontinue salvage collection, which may well be of use later on even if not saleable at a profit. Here we have a Control with a contingent liability of very small amount. I think that it would be rather shortsighted to close down salvage collection just because at the moment we do not see how we can dispose of it. Then we have Potato and Beans Control. All potatoes must be sold to the Director of Produce, and beans, mtama, etc., and rice must be offered to him. With the present insistent demand for these articles a call on the contingent

liability which might arise if trading in them became difficult seems very remote indeed. There is also the Livestock Control. My hon. friend the Director of Veterinary Services has spoken about this this morning and, as you will have heard, there is a reserve of some £32,000 in the Control. To my mind this Control was to such a large extent made necessary by military demands that we should have a perfectly good case, in accordance with our general arrangement with the military, that if we lost anything in the nature of a large sum, they would share the contingent liability with us.

In regard to Maize Control, there is a contingent liability if, in view of the prices we guaranteed, the Control is run at a loss. At the moment the Board's estimates show that the Control is expected to be run at a very small profit indeed, but no definite liability is envisaged. A new guaranteed price for K.2. maize to be granted in the future, based on the increase in cost of production since the last guaranteed price, is now being actively considered and an early announcement may be expected. The hon. Member for Trans Nzoia raised the question of whether it is necessary to continue this Control. Neither the Government nor the Maize Board see any justification for abolition of the control of maize, and certainly not in the present position of acute demand. Government is aware that improvements in detail of the scheme are possible and are being considered by the Maize Board. It is a fact that some of them really would be great improvements, and I think the board feels that the difficulty is when to apply them because they are very nervous of making dislocations at a time when maize is so short. Government is also aware that there are criticisms of the administration of the Control, and these complaints are being most carefully examined. There is still another Control—the Timber Control—that is so definitely allied with military demands that, here again, I think any contingent liability on Government funds is remote. In connexion with the question of Controls, there is yet another organization with which I must trouble members, I think.

[Mr. Tester]

That is the Overseas Purchasing Division. This Division, especially in view of recent telegrams from the Secretary of State which have been circulated to the Standing Finance Committee, will have to lay out possibly comparatively large sums for the holding of stocks. It may well be that the shipping position, or the supply position, makes it convenient for perhaps a year's, or even two years' supply of one article to be sent to East Africa, and we shall have to store it and pay for it until the market can take it off us. It is obvious that in transactions of this nature there is a possibility of loss, but at the moment no perishable article or articles that are likely to deteriorate are being bought by that method, and I personally am looking after this side of the business myself and naturally shall do everything possible to avoid any claim on the Kenya Government—scarcely a claim—but I shall try to avoid being in a position of not being able to pay back money advanced to me.

The hon. member Mr. Paroo and the hon. Member for the Coast made observations about Price Control. I agree with the hon. member Mr. Paroo that there are certain matters that he has indicated which he thinks might be and could be improved in this Control because it is not settled once and for all time. One of the largest territories in Africa has recently altered its price control, and I see in the paper that the alterations are called improvements. What delighted me was that most of them were copied from the Kenya Price Control. The hon. Member for the Coast spoke of the necessity for a large inspectorate staff. The Price Controller and myself, and in fact everyone connected with the Control, are fully aware that more staff of that type is required and, I think, possibly even more close liaison with the police. Both points are being looked into. The cost of the Control was mentioned as some £18,000; some members thought it too large and others too small. Of that £18,000, £3,600 is reimbursed by the War Supplies Board. An important observation was made by the hon. Member for the coast in which he said that price con-

trol should be closely bound up with supply and distribution. I think this is very true indeed, with one broad reservation or distinction, that while price control should be under the same direction as supply and distribution and give close co-operation to the two to a degree which may be necessary, there should be independent examination by the Price Control. The policy should be bound together but there should be a certain amount of independent examination. This reminds me of a point in connexion with the evolution of price control, that any part of the Control which might be improved is the position in regard to profits. I am not quite sure that our present arrangements are quite satisfactory. That again, is being looked into. A very good illustration perhaps that price control and distribution should go more or less hand in hand is the present situation in Nairobi. I think it really is generally agreed that since distribution has been better owing to the Commodities Control—presided over by Mr. Sayer, again on a voluntary basis—the black market and the general position in connexion with price control has definitely improved. I believe that is quite a general opinion held in Nairobi to-day.

The hon. member Mr. Paroo referred to Indian food supplies and was good enough to say that his remarks were so promptly attended to that the day after licences were issued in large numbers to meet the situation. That is not really the case. It is quite true that his friend has had to wait a fair amount of time to get them. The reason is that many more licences are demanded than are necessary to obtain the amount of food which is required. Some of them are put in by people who never traded in these commodities before, and the result is they are held up and examined in blocks at intervals. I do not think the hon. member can quite have understood that was the case or that there was a great shortage, because there are outstanding licences for considerable quantities of Indian food supplies, and 5,553 bags have just arrived, so that the position in regard to Indian food supplies is secure again for some time

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ahead. The hon. member Mr. Kasim mentioned the profit margins in regard to simsim oil and groundnuts and so on. He has been good enough to say that he will put in a memorandum, and I will see that it is considered by the proper persons without delay. Several members, in particular the hon. Member for Mombasa, raised the question of supplies from Madagascar. I am afraid that I cannot give a very satisfactory answer to the inquiry because, like him, Government here has heard there are quite adequate supplies, for example of rice and other articles, there. We have also heard that there is none available, which probably means they have been requisitioned by the military. The upshot has been that an officer has gone to Madagascar, and is expected back in a few days, when we hope to get a more clear view of what is really going on there and as to whether there are any definite indications as to what surpluses are available.

The hon. Member for Mombasa also raised the question of supplies to merchant seamen. I am quite sure that I am voicing the opinion of all hon. members when I say that the whole of this Council is most anxious that everything should be done to ameliorate the position of merchant seamen and to give them satisfactory supplies. The hon. member has taken advantage of his visit to Nairobi to call on the War Supplies Board and other officers concerned in this matter, and just recently active steps have been taken to remedy the situation as far as possible, and I think I am right in saying that the hon. member is satisfied at least at present with the progress made. The hon. member also mentioned the necessity for the Statistical Department, as did the hon. Member for Kiambu at the last session. I do support that. I think a great many of our troubles in regard to organizing supplies and production are due to lack of a Statistical Department. We shall not, perhaps, be able to benefit from it this time, but we shall find it useful for civil progress after the war. The hon. member also spoke of the requisitioning of houses; in brief, he asked if there was a scheme or method by which houses

could, for want of a better word, be de-requisitioned or allocated to people in more need than the persons they were requisitioned for. There is such an arrangement in Nairobi, and the Provincial Commissioner of the Coast says his committee can easily keep an eye on that matter. The hon. member raised the question as to whether further funds should be provided for the East African war loan. If he will look at the Order Paper he will see that steps are being taken, and hon. members will be pleased to know that the East African war loan now stands at well over four million pounds. I should like to emphasise to members how very important this question of saving is. I think that in East Africa it is our most cogent weapon against inflation; there are no other means by which we can so easily combat that evil.

The hon. member Mr. Patel raised a question about atta. I hope I understood him correctly. Under the new arrangement national flour I understand is the same as atta. I am not an expert in these matters, but I understand that is the case. It is milled in exactly the same way, and it has 15 per cent maize—(Mr. Patel: Thirty per cent in atta, fifteen per cent in flour). National flour is the same as atta, best quality, and there is a second class atta with thirty per cent maize, which is cheaper. The hon. member also raised the question of the losses sustained by Indian merchants on the coast in Tanganyika, Zanzibar and Kenya in connexion with sales of oilseeds. I do not know the details of these transactions, but the hon. member will be aware that in recent cases where a Ministry has wanted to take over the whole supply Government has taken steps to safeguard those people who entered into contracts legally in advance. He also raised the question of the salt supply. It is short, and the Supply Board is most anxious to know of further sources of salt supply, and it would be very helpful, if the hon. member knows of any proposition on the coast for salt panning, if he would forward the particulars through the Provincial Commissioner, Coast, to the Supply Board where it will receive rapid consideration. On the question

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of the automatic transfer of certain classes of licences, I have had a short talk with the Deputy Financial Secretary, who is chairman of the committee, and he is considering and putting before his committee methods by which he thinks the hon. member's desire could be at least to some extent met. The hon. Member for Nairobi South had some rather hard words to say about our general revenue balance, and if I am allowed to say so, sir, I do agree with him and the hon. Chief Secretary that these balances are susceptible of adjustment in the way the hon. Chief Secretary stated. If anything is wanted in the way of footnotes which the hon. member wants and which the Standing Finance Committee consider will make the statement more intelligible, I feel sure there will be no difficulty in granting such a request. The hon. member mentioned the widows and orphans pension scheme in connexion with this balance. I should like to point out that the money subscribed by Civil Servants does not go to a fund; it is a contribution and, in exchange for that, Government have a statutory obligation to pay the pensions. There would really be more force in the hon. member's remarks in that connexion if payments were made into a fund, because it would be quite wrong for a fund to exist which was not shown separately but, as a matter of fact, widows and orphans pension contributions are not paid into a fund but to general revenue and as a *quid pro quo* there is a statutory obligation on Government to give a pension.

Several hon. members have spoken about token votes. It seems to me that that is a question on which the Standing Finance Committee's advice would be most valuable and, I should think, would probably be followed. I should very much like to get definite advice from that committee on that point, because I feel that if we sprinkle the Estimates with token votes now, in a few years we shall be accused of window dressing. A very important general remark was made by the hon. Member for Nairobi South in regard to post-war development. I had thought that these demands for post-war schemes and so on up till

a few months ago were rather beating the air but I do thoroughly agree now that the time has arrived for the intensification of the examination of such schemes and to make a firm attempt to bring them to a head in the form of concrete proposals.

The question was put and carried.

APPOINTMENTS TO STANDING FINANCE COMMITTEE

MR. RENNIE: Your Excellency, I beg to move: That the hon. Member for Nairobi South be appointed a member of the Standing Finance Committee in the place of the hon. Member for Nairobi North and that the hon. Shamsud-Deen be appointed a member of the Standing Finance Committee in the place of the late hon. Isher Dass.

I gather that the hon. Member for Nairobi North finds, owing to pressure of work, that he is not able to give the time he would like to the work of the Standing Finance Committee. The object of this motion is to substitute the name of the hon. Member for Nairobi South for that of the hon. Member for Nairobi North. That is the first part of the motion. As regards the second part, its object is to appoint the hon. member Mr. Shamsud-Deen in the place of the late hon. Isher Dass.

MR. HARRAGIN seconded.

The question was put and carried.

EX GRATIA PENSION

CHIEF KIPSEREM ARAP CHEPKIYEN

MR. TESTER: Your Excellency, I beg to move: That this Council approves the payment of an *ex gratia* pension at the rate of £9 per annum to Kipserem Arap Chepkien, former Government headman, with effect from 8th April, 1941, in addition to the gratuity of £25 already awarded to him.

This chief was for over twenty-five years a Government headman in the Nandi district and on his retirement in 1941 he became entitled to a gratuity of £25, which was paid to him. Gratuities

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are on the basis of £1 or one week's pay, whichever is the greater, for each completed year of service. The chief's final salary was less than £1 a week, and his gratuity accordingly amounted after his very long service to only £25. He was a man of outstanding ability and rendered exceptionally valuable services to Government. The Standing Finance Committee considered that special treatment should be awarded him and recommended that he should be granted an *ex gratia* pension of £9 per annum in addition to his gratuity. Having regard to this recommendation I offer this motion.

MR. HARRAGIN seconded.

MR. MONTGOMERY: Your Excellency, it may seem rather curious, but I rise to oppose this motion. I want to make it clear that I do not do it on account of this chief who was awarded what I and other people think a quite inadequate gratuity. I oppose it on the ground that it is a wrong method of approaching the payment of pensions to chiefs. If this is granted, it will form a precedent, and I think Government will be almost bound, although the words *ex gratia* are used, to grant pensions to chiefs in future, even if every one comes up for consideration by this Council. My view is that the whole question of pensions for chiefs should be gone into. I think it was turned down by the Arab and African Terms of Service Committee, because we recommended that chiefs should be excluded, but we did suggest to provincial commissioners that the salary scales recommended there should be brought into force. That, I admit, has not much to do with pensions, but I say again that when tackling the question of pensions for chiefs it is a very big subject and covers hundreds and hundreds of chiefs, and it is a question that should not be raised on the point of one pension which might create a precedent and tie Government for all time. I would ask for the motion to be rejected and the whole question considered by Government at leisure, as it is not one that can be considered in five minutes in this Council.

MR. HOSKING: Your Excellency, I would like to oppose my hon. friend

and colleague in this matter, and I shall be very glad if the record of this chief's services is recognised by the grant of this pension. Very few men have such a record as he has. Admittedly he fought against us in the Nandi Rebellion, he was proving his manhood then, but he was a loyal servant of Government for twenty-five years after. District commissioners used to leave the district in charge of him for a month at a time. He is an old man approaching seventy, and I do not think we shall pay the pension for long. Nandi people were surprised that we valued the services of the chief at only £25, and it was in respect of their application that we should recognise them more fully that it was put up to the Standing Finance Committee that an additional gratuity should be paid. On the unofficial side of that committee it was suggested that it was preferable to pay a pension rather than a gratuity, and this was agreed to.

MRS. WATKINS: Your Excellency, I would suggest that fifteen shillings a month is hardly enough. I would rather, if he is worth anything at all—I quite agree with the hon. Chief Native Commissioner—I should far sooner see it doubled. I think it should be. I cannot see why we should treat a native chief like that. After all, we do look for security in our old age if we have done our job properly. If we value this man's security so little it makes me rather ashamed.

MR. TOMKINSON (Provincial Commissioner, Central Province): Your Excellency, I would support the remarks of the hon. member Mr. Montgomery. I admit that in so doing I am going against your chief adviser, the hon. Chief Native Commissioner, but actually I myself, naturally, as in charge of a province, am in contact with many more individual cases than the hon. Chief Native Commissioner can possibly be. I know Kipserem Arap Chepkien: I was a district commissioner in Nandi in 1927 to 1930. He was a man certainly of great ability, and in fact one would go on local leave and leave him in charge of the district! At the same time, there is the position in the Central Province in view of the recent amalgamation which has taken place for the better

[MR. TOMKINSON] administration of the various districts, of the enhancement of the post of chiefs, and there are old chiefs who have service extending beyond this man's; there are cases which are known to all of us of those who were paramount chiefs under the old regulations, such as Chief Wambuga and Chief Njega. They are left with a nominal position, admittedly, but they have ceased to draw pay and have drawn their gratuities. I think their cases are equally as strong as Kiperem's, and I would suggest that the general request for pensions might be examined more thoroughly before a decision is made on an individual case.

MR. COOKE: Your Excellency, surely the answer to the last hon. member is that those other chiefs who have retired should be paid a pension. I think it a most unfortunate pity for it to be recorded that we are not going to give a pension to this particular man; it would have a very bad effect. The motion should be passed, and then we should consider the question of pensions to chiefs.

HIS EXCELLENCY: I should like to hear what the hon. Provincial Commissioner Rift Valley, has to say on this matter.

MR. IZARD (Provincial Commissioner, Rift Valley): Your Excellency, my major concern is lest this chief should die before the pension is granted; that would be most unfortunate. I think the pension should be granted immediately, and the principle to which the hon. member Mr. Montgomery refers be debated as soon as possible thereafter.

MR. NICOLL: Your Excellency, as an unofficial member of the Standing Finance Committee I rise to say that the view we held, among the unofficial members of the committee, in regard to the advisability of paying a pension or a further gratuity, was that a pension given to the old chief was far more security. It meant that he would get money regularly, rather than that somebody else would get hold of it if it were paid in a lump sum. I support the motion.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I am interested in hearing the remarks of people who obviously are closely connected with this rather difficult question, of dealing with the older chiefs who have served us well. I see the difficulty over a particular motion, and wondered whether I might suggest as an amendment by adding to this motion the words, "and that the whole question of pensions and/or gratuities to chiefs be investigated," or something of that sort; then give this man £9, and show that we are going into the whole question of dealing with these old servants of Government.

HIS EXCELLENCY: Does any hon. member second the amendment?

LORD FRANCIS SCOTT: Yes, Sir.

MR. MONTGOMERY: Your Excellency, I shall oppose the amendment, because it first of all deals with a question which has never been put up at all yet, that is pensions for chiefs. It presupposes that because one is granted the whole Service will get it. It was also mentioned, if I heard correctly, that gratuities should be gone into. There are a number who have been on the books for a number of years, and it was never suggested, to my knowledge, that they should be reconsidered. If you accept that principle and grant this, it may be a very small sum of money involved. Government will immediately be asked for the payment of pensions to all the chiefs, but pensions for chiefs I do think requires a lot of consideration first.

MR. RENNIE: Your Excellency, in rising to speak on the amendment, I suggest it would probably meet the case if I gave an assurance that if the original motion is adopted Government would consider the matter of pensions to chiefs. It is hardly the usual thing in the case of a specific motion dealing with the question of a pension to one particular chief to have a general tally as suggested by the hon. Member for Nairobi North tagged on.

LORD FRANCIS SCOTT: Speaking to the amendment, sir, do I understand the hon. Chief Secretary gives an undertaking that this question will be investigated?

HIS EXCELLENCY: That is so.

MAJOR CAVENDISH-BENTINCK: I am quite prepared to withdraw the amendment on that understanding.

The amendment was by leave of Council withdrawn.

The question of the original motion was put and carried.

COLONIAL DEVELOPMENT AND WELFARE ACT, 1940.

APPLICATIONS UNDER

MR. VINCENT: Your Excellency, I beg to move—That this Council urges Government to submit without further delay to the Secretary of State for the Colonies, schemes for any purpose likely to promote the development of the resources of the Colony and the welfare of its people as provided for by the Colonial Development and Welfare Act, 1940."

In your opening address to Council, Your Excellency, you referred to the question of post-war development and to certain long term programmes, particularly in respect of soil conservation water supplies and development in the field of education which have been drawn up, some in considerable detail. You also referred to the importance you attach to large scale housing programmes. I was well aware at the last session when I moved a motion on the question of development that Government had gone to considerable trouble to draw up schemes, and many more than those which have been mentioned by Your Excellency in your opening address. Government during that widely debated motion had every opportunity in the world of stating what schemes had been considered, and for reasons best known to themselves they refrained from doing so, and I therefore find it necessary now to clarify the position because there is great apprehension over the present position, and I think that it may give Government an opportunity of making a clear statement. Conflicting statements in the House of Commons and in this Council within a short period on the same subject are bound to give rise to anxiety. During the last session I had reason, and

very good reason, to criticise the form of statements which had been published which were made by the Under Secretary of State, Mr. McMillan, in the House of Commons, and I made it clear in my reply to the noble lord the hon. Member for Rift Valley that I was not attacking Mr. McMillan personally, but the form of the statements he had made. Since the last session, full reports of the debate in the House of Commons have reached me, and it becomes apparent that Mr. McMillan laboured under the difficulty which I assumed he was labouring under, and that was that he could not make the statements which he would like to have made because he was not in a position to do so, and I am equally certain that both he and Lord Cranborne, the Secretary of State, are out to help, and they both have very forcible ideas on the question of Colonial development.

Now, we rightfully look to you, sir, to give us a lead on policy, particularly post-war policy, and any such policy. I am sure you will agree, should be framed in conjunction with the Home Government's policy, and which must provide for any periods of depression without destroying the fabric of our existing organizations, as happened some years ago, of which you are fully aware. I think that we are also justified in asking at this juncture what part we are expected to play and what part the Home Government is prepared to play to enable us to develop this country. Now I must confess that I was most disappointed in that part of your address dealing with post-war development which was contrary to that part to which I have already referred. Your actual words were:—

"But apart from the questions of finance and whether or not the present is an appropriate time formally to apply to the Secretary of State for financial assistance through the Colonial Development and Welfare Vote, the practical difficulty at the present time is the acute shortage of building material and artisans."

This portion of your speech is very perplexing because I thought there would not be a shadow of doubt about

[Mr. Vincent] this very important and vital matter, for this reason: I refer to you to Hansard of the House of Commons, Volume 380, No. 80, of the 24th of June, dealing with the debate on Colonial affairs. During Mr. McMillan's speech on Colonial affairs Mr. Maxton (Glasgow Bridgeton, Lab.) asked:—

"Is the right hon. Gentleman now enunciating a settled Government policy and is the policy of the future which he is enunciating the Government's interpretation of the appropriate Clause in the Atlantic Charter?"

Mr. McMillan replied as follows:—

"I am enunciating a policy which is based upon the impressions that I have formed after a comparatively short tenure of office. In general terms it has the support of my noble Friend, with whom I have consulted before making it. If the Colonies, and especially Africa, are to be raised to play their proper part in the world, we must have long term capital investment which will not be expected to be profitable for the first years or even generations. The Colonial Development and Welfare Act gives us the instrument for long term planning. Unless the plans are prepared now, they will not be ready for the period after the war. There is a long delay between the preparation of a plan and its execution. We want, therefore, to prepare now our list of plans and priorities, so that we can probably competing in a very crowded post-war market for capital development all over the world, be ready to put forward on behalf of all the Colonies our demand for a fair share of reconstruction work..."

I find it very difficult to understand the hesitancy on the part of Government to act in accordance with this very clear statement and, as far as I am concerned, the most serious aspect of it is that although this debate took place in the House of Commons on the 24th June, there apparently have been no instructions received from home on this definite point, which leads one to believe, and certainly leads the public to believe

after reading the report of Mr. McMillan's speech in *East Africa and Rhodesia* and your own speech, sir, in the *East African Standard*, that there is an entire lack of cohesion on some of the most important points between the Colonial Office and this Government. I think that on the face of it, that is a very just premise. Moreover, there is no relation between post-war plans and our present difficulty of building materials and artisans, and surely the people of this Colony may expect Government to cease this see-saw policy of inertia: "When we have got the money we cannot get materials and artisans; when we cannot get the money we can get the building material and artisans," and consequently nothing is done!

As Government refrained from informing us of the schemes prepared, I will do so now, but I would point out that I have been informed by Government as follows: "It is hardly correct to say that all the schemes which I now give have been considered and recommended. It is rather the case that they are schemes which Government has in mind to carry out as soon as it is practicable to do so." I cannot see much difference in either statement. My own opinion, however, is that the following schemes are the very minimum which we can regard as our post-war policy:—Soil conservation, £372,000; water conservation, £372,000; roads, £250,000 (which was brought down to £150,000, but surely if they are honest it must be £250,000); settlement, £250,000; education, buildings, etc., £200,000; extensions to hospitals, £200,000; aerodrome £250,000; African housing, £200,000; police lines and K.A.R. lines, Nairobi, £250,000; European and Asian Government housing, £175,000; Government offices, Nairobi, £100,000; training (agricultural), £31,000. These are schemes already prepared and have had a great amount of consideration given to them, and we are simply sitting on them. I should like hon. members to realise that in this rather comprehensive list there is one heading which is completely ignored. I am very sorry it is, because I have to make particular mention of it. I understand that forest development is financed separately out

[Mr. Vincent] of a replanting fund into which all excess revenue over expenditure is paid. I refrain at this juncture from making any comment on the adequacy or otherwise of the arrangement, but will merely content myself with the remark that it is to me the most dangerous and unscientific method of handling one of our most important departments, the one department which can show us sure results, and I hope that soon there will be a short term plan for it and ample funds associated with it. I am well aware that it is the intention of Government to finance some of the schemes from revenue, some from loans, and some under the Colonial Development and Welfare Act, but what I want done is to place these schemes in their right category now and try to provide finance for them so that we have it when we want it. The pathetic feature about these schemes as I mentioned last session, is that they are not post-war schemes in reality: they are neglected pre-war schemes, at least the vast majority of them are.

During last session I also said that if we were honest with ourselves we must all admit that we have to pull up the "lag": we have lagged too far behind in the last decade and our programmes are sadly in arrears. I drew attention to the necessity for a change of methods, the adoption of unorthodox methods if necessary, and curiously enough reports reveal that the Under Secretary of State did the same because, while unable to "enunciate a new Imperial policy" he, like myself, seized upon and stressed the only apparent existing avenue of progress open to us—that is, the Colonial Development and Welfare Act. He also referred to our being too far behind, although not in such modest terms as myself. This is what he said:—"The Colonies are poor because they are just beginning. They are four or five centuries behind. Our job is to hustle them across this great interval of time as rapidly as possible. We could devise new systems of government and of administration but we could not do the job by this means alone. It could only be done in the way that all big jobs are done, by vigour, decision, imagination,

ruthless and overriding zeal." That sounds strange coming from the Colonial Office I must say! This statement shows that it is realized in London, as I realize it here, how it is impossible for us to progress by orthodox methods alone, and although it is clear that as far as a definite colonial policy is concerned we have to continue to flounder about in a sea of uncertainty, this we can do: support the Under Secretary of State by responding to his invitation, by sending him information that he desires, and thus give him an opportunity of testing whether the Colonial Office, as such, has the ability and courage to use vigour, decision, imagination, ruthless and overriding zeal, and thus allow us to hustle across this long interval of time as rapidly as possible. I am afraid, Sir, in the face of recent events of the last few months, that we have been forced to desert the greater issues for immediate issues, and I do hope, Your Excellency, that you will be prepared to allow Government to support this motion and give effect to it.

LORD FRANCIS SCOTT: Sir, I beg to second the motion so very ably and so very forcibly put forward by the hon. Member for Nairobi South. There is very little to say, and in view of the remarks of the hon. Financial Secretary in his reply in the last debate I presume that Government will accept this motion. It has been pointed out by the hon. mover that the Under Secretary of State at the Colonial Office has definitely invited us to do what is being asked in this motion. The data is available and departments have their schemes worked out to a great extent, but they are probably not up to date. What we want to do now is to bring all those schemes up to date and then decide on the priorities in which they should be put forward. We must be ready, so that when the moment comes and money is available, and labour, materials, etc., are also available, we shall be able to get right off the mark without the usual delay and procrastination to which we are so accustomed in Colonial administration. I suggest that there are other projects, apart from those which the hon. mover read out, which require to be taken into consideration.

[Lord Francis Scott]

First of all, there are the results of the investigations which have been made recently by the Industrial Research Department of projects in regard to secondary industries which may require finance to get them started for the benefit of this country. There is such a matter as clearing this country of tsetse fly, which will entail large sums of money. Another project which I think ought to be seriously considered for the development of the country is an extension of rural telephones all over the country. There are other matters of that sort which are necessary, and I do urge that Government right away gives instructions to the heads of their departments to get in all their projects, and that these projects be referred to a committee with unofficial representation on it so that they can go home as the recommendations of the Colony of Kenya. I know my hon. friend the Member for Ukamba says that our manpower is exhausted for the purpose of forming committees, but this is such an essential matter for the future development of this country that I think it is quite necessary this motion as put forward should be accepted and should be implemented with the least possible delay.

Speaking to this question of post-war development, the hon. mover and myself have only referred, of course, to Kenya. The real outlook on development should be for all East Africa and not only Kenya, but as far as we are concerned here this Legislative Council can only deal with Kenya, so that we must confine ourselves to what we want for this Colony and not endanger any appeal by mixing it up with the interests of neighbouring territories. I do not think it necessary to say anything further, but I beg to second the motion before Council which I trust Government will accept.

MR. RENNIE: Your Excellency, Government is prepared to accept this motion (hear, hear), subject to the remarks I am about to make. (Laughter). The hon. Member for Nairobi South is quite correct, as he knows, in stating that Government has had for some considerable time various schemes in mind.

In fact, the words used by the noble lord, the hon. Member for Rift Valley, were words used by me something like two years ago, when he stated that we must bring our schemes up to date, and when he asked that heads of departments should prepare their schemes so that we could get off the mark without delay. Quite a considerable time ago I looked at the file which contains those schemes and went into the various schemes with heads of departments, and asked them to bring them up to date. In a great many cases they have been brought up to date, and in some cases have been considered by the proper committees. For example, the soil conservation scheme, which involves over a ten year period something like £750,000, has been before the Land and Water Conservation Committee as far back as a year ago; it has received the blessing of that committee and, also, if I remember rightly, of the Standing Finance Committee. In the same way a water supply scheme was before the Land and Water Conservation Committee and received its blessing something like a year ago. That water scheme, however, was only in very broad outline, and the first step required was a survey of the water resources of the Colony. For that purpose provision was made for the necessary water surveyor in this year's estimates, and I think he has been at work. The hon. Director of Public Works assured the Land and Water Conservation Committee that it would take some time before the survey could be completed, and that it was only after that survey was completed that a proper scheme could be formulated which would form the basis of an application for funds from the Colonial Development and Welfare Vote. The soil conservation proposals are on a different basis. They have been formulated in great detail, and I think I am correct in saying that they have already been sent semi-officially by the hon. Director of Agriculture to the Agricultural Adviser at the Colonial Office, and his comments on the scheme have been obtained. It is several months now since I asked the Director to prepare an application for submission for funds from the Colonial Development and Welfare Vote, and only the fact that he has been very

[Mr. Rennie]

busily engaged in this maize crisis during the past month or two has prevented him from sending the scheme to me. These are the two main schemes. The soil conservation scheme should be ready to go forward any moment; the water scheme cannot go forward in the detail necessary until we get the survey.

Some of the other schemes mentioned by the hon. mover are, as he has stated, matters that may have to be taken up as loan fund applications. He has suggested that most of these schemes are neglected pre-war schemes. Perhaps I should tell him that before the war Government was alive to most of the proposals he has mentioned now or others of a similar nature, and made application for a loan amounting to over a million pounds. In 1938 and 1939, as the hon. member with his financial knowledge is aware, loans were not regarded with much favour at home, and after a considerable amount of discussion the amount of money made available for loan purposes to this Government was a very much reduced sum. That was agreed to before the war, but when the war actually broke out the amount of loan money was still further reduced and we were asked to restrict our loan commitments to such amounts as were required for urgent war purposes. That we did. Since various schemes have been on the tapis for some considerable time, the hon. member quite rightly asks why we have not done something about them. Take the soil conservation scheme, for example. The basis of the scheme is that it will need a large number of men. I think, if I remember rightly (it is some time since I saw the scheme), the hon. Director of Agriculture had in mind the employment of something like sixty to seventy Europeans, and his idea was that the work would provide a very good opening for young men returning from the army. He has attempted, despite the shortage of man-power, to get a certain number of soil conservation officers. He has been told that funds would be available for him to employ as many officers as he could find and to do as much soil conservation work as he could arrange for, and hon. members can see the result in the Draft Estimates. He has

been able to get a certain number of officers and to do a considerable amount of work in native reserves and settled areas, but the plain fact is, so far as a comprehensive scheme is concerned, if we were told to-morrow to go ahead with that scheme, he would not be able to find the necessary personnel. That, however, is no reason why we should not get on with the submission of this scheme; I spoke to him about that a few days ago, and he told me that he is now in a position to prepare the necessary application for that particular scheme.

Turning to some of the other schemes, Schemes which were high in our own priority list were such training schemes as the Director of Agriculture and Director of Education pressed for, schemes for the training of agriculturalists and teachers, and some time ago the question of establishing two schools—one at Embu and one at Maseno—at an expenditure of £30,000 to £40,000 was gone into, and it was decided at that time, in view of the shortage of material and labour, that both schemes would have to be put into the background for the time being. We have other schemes of that sort dealing with the training of nurses; the hon. Director of Medical Services is very anxious to establish a school for the training of nurses. He had in mind first, if I remember rightly, the establishment of a school at the group hospital, Nairobi, but since that hospital is not available at the present time he submitted a scheme for the establishment of a school at Kiambu. That too, meant building material and labour, and for that purpose it was given up for the time being. The hon. Member for Nairobi South said the main intention behind his motion was to ensure that we get all our schemes ready so that on the word "Go" everything would forge ahead. Government agrees with that entirely, and it is a question I personally paid a good deal of attention to in 1941. I must admit that in 1942 I have not paid the same amount of attention to it because rather more urgent considerations took pride of place, but so far as getting schemes ready and establishing an order of priority is concerned, there is no reason why we should not get down to that

[Mr. Rennie] straight away. As soon as we get this session over, January and February are normally, I will not say slack, but less busy months, and it will be possible to do a good deal then. The suggestion is that these schemes should be referred to the Standing Finance Committee, which would go into them and try to establish an order of priority, and we should then have the schemes prepared in final form for submission to London. If that programme would meet the views of the hon. Member for Nairobi South, Government is perfectly prepared to accept the motion on that basis. We agree, and sympathise entirely, with his intention, and propose to do everything we can to carry it out.

MR. WRIGHT: Your Excellency, I am very glad that Government has so readily accepted this motion put with such forcefulness and skill by the hon. Member for Nairobi South, and I am particularly glad to hear the hon. Chief Secretary say that Government recognises the need for early action and proposes to get down to this job as soon as the budget session is over. In view of the hour, I will not elaborate on what I had thought of saying, but there is one notable omission in the list read out by the hon. mover, which I want merely to touch on. That is an afforestation scheme for Kenya. A great many of us have felt that we have got to have a long range programme and larger scheme than has been envisaged or supported in this country, that the department has already shown in suitable locations well known to the hon. Conservator of Forests the vast possibilities and varieties of timber, and the evidence is sufficient to show that we can plan and operate a constantly progressive and remunerative silvicultural scheme over a period of thirty to forty years, according to the varieties grown, whereby the country will benefit financially, climatically, and in many other ways. In view of the hour I beg to say that I can best elaborate my case by submitting it in memorandum form to the committee which will envisage the priority of the cases submitted to them.

MR. COOKE: Your Excellency, there is only one point that I want to make

which has been overlooked by previous speakers. The hon. Chief Secretary with his usual skill has found a lot of difficulties to explain why many things have not been done so far, but there is one question I have been raising for the last three years, the question of land acquisition, and it is now and not after the war that land must be acquired. It is no use telling soldiers when they are demobilized that the land will be ready in six months or a year; it is now that it has got to be done. In that respect I would commend to my hon. friend an extract in to-day's *East African Standard* which says that South Africa has already put a land scheme into being; they have already started acquiring land. We all heard a month or two ago about land being sold on the Plateau, and five or six enemy farms have been bought at a very cheap rate. I contend that any Government using any provision or any desire to provide for the future would have acquired that land and would have had the land ready for future settlement. I am drawing attention to this acquisition of land, because it is a thing which I contend should now be got on with and not after the war.

MRS. WATKINS: Your Excellency, I support that. I have been able to obtain a few particulars about land sales which have been going on. I suggest that a land sale does not take effect until the Commissioner of Lands has inquired into it a little bit, whether it is for speculative purposes and so forth, and I do not think land should change hands to foreigners or even neutrals without getting some idea of what it is wanted for and whether it is being bought for its own purposes. There have been large farms in the Kiambu area which have gone to foreign companies, and I am quite certain that men returning from the front would like to have acquired them.

MR. VINCENT: Your Excellency, I am very grateful to the hon. Chief Secretary for the clear and definite reply that he made. I am also pleased that he has stated that all heads of departments will be encouraged to submit their schemes so that any schemes which do not fall within the categories I have mentioned

[Mr. Vincent] to-day can still be considered. I want to make it quite clear that I agree with him that to think of going forward with any schemes at the present moment is quite out of the question, because we are bound by the amount of material we have at our disposal and the lack of artisans, but I am also glad that he agreed with the sole idea of having these schemes absolutely right and the finance provided. On the question of the re-acquisition of land raised by the hon. Member for the Coast, it may be my ignorance but I thought that the £250,000 included for white settlement would take care of a little of that. I take it that if these schemes go before the Standing Finance Committee any member of this Council will be at liberty to come to the Standing Finance Committee and discuss the priority or advisability of any of them. I am grateful to Government for accepting this motion.

The question was put and carried.

BILLS

FIRST READING

On the motion of MR. HARRAGIN the following Bills were read a first time: The Local Government (Municipalities) (Amendment) Bill, the Criminal Procedure Code (Amendment) Bill, the Penal Code (Amendment) Bill, the Revenue Transfer to Local Native Councils Bill, and the Native Authority (Amendment) Bill, and notice was given to move the subsequent readings at a later stage of the session.

ADJOURNMENT

Council rose at 4.45 p.m. and adjourned till 10 a.m. on Tuesday, 8th December, 1942.

Tuesday, 8th December, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 8th December, 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: F. J. Couldrey, Esq., Nyanza; W. A. C. Bouwer, Esq., Uasin Gishu, Acting; Mr. Saleh Mahomed Ladha, Central Area, Acting.

MINUTES

The minutes of the meeting of 20th November, 1942, were confirmed.

PAPERS LAID

The following paper was laid on the table by the Hon. Commissioner for Lands and Settlement: Return of land grants, July-September, 1942.

ORAL ANSWERS TO QUESTIONS

No. 68—ENEMY FARMS SOLD

MR. BOWLER (for Col. Ghersie):—With reference to my Question No. 38 on the subject of the number of enemy farms sold since the outbreak of war, and the answer thereto, will Government please furnish the information requested at (a) district, (b) acreage, and (c) purchase price in regard to the nine other farms referred to in the reply?

MR. RENNIE: The following is the information required:—

District	Acreage	Purchase Price	
		£	£
Uasin Gishu (2 farms)	987	700	
Trans Nzoia	491	500	
Uasin Gishu	818	700	
Uasin Gishu	299	720	
Trans Nzoia	1,922	900	
Uasin Gishu	608	850	
Uasin Gishu	1,171	1,200	
Kilifi	2,239	1,700	

No. 75—EXPLOSION DAMAGE

MR. VINCENT: Two explosions occurred on Upper Hill Estate on Saturday, 19th September, at approximately 4 p.m. with the

[Mr. Vincent]

obvious sanction of the authorities, causing considerable damage to private property. Property owners have been endeavouring to locate the correct authority with which to lodge claims since 21st September, but without success. Will Government name the correct authority and department.

MR. RENNIE: As already notified in the Press claims should be submitted to Headquarters, Nairobi Sub-Area, on or before the 15th of December, 1942.

No. 78—ARAB SCHOOL, MOMBASA

MR. SHERIFF ABDULLA SALIM:

Is the Hon. Director of Education aware that, despite the growth of the Arab School, Mombasa, from an elementary school to a senior secondary school, the non-European staff has been decreased, to the detriment of teaching in the lower classes?

MR. LACEY: I am aware that the non-European staff at the Arab School, Mombasa, has been decreased, but the decrease has been due to the resignation of two members of the staff, one in 1941 and the other early this year. It has not, so far, been possible to obtain suitable replacements.

No. 79—INSPECTOR OF COAST SCHOOLS

MR. SHERIFF ABDULLA SALIM:

In view of His Excellency's remarks in his opening speech to Legislative Council with reference to the appointment of an inspector of schools to the coast, will the Hon. Director of Education give a promise, or an assurance, that in making this appointment due consideration will be given to a knowledge of the coast and its needs in general, and a sympathetic understanding and knowledge of the Arabs in particular?

MR. LACEY: The hon. member is already aware of the steps the department is taking and has taken to secure an officer with the necessary academic qualifications in Arabic to promote Arab education on the coast. In the absence of such an officer the hon. member may rest assured that before making an appointment I shall satisfy myself that the officer selected will bring a sympathetic understanding to the solution of the

major problems affecting Arab education.

No. 85 LAND RENTS

MR. WRIGHT:

Is Government yet in a position to give the reply to the representation made to the Secretary of State regarding the abolition of the revisable rent system for agricultural land and on the redemption of fixed rents on both agricultural and township land?

MR. RENNIE: The answer is in the negative.

WAR LOAN

FURTHER ISSUE OF BONDS

MR. TESTER: I beg to move:—"Be it resolved that, under Section 2 of the War Loan Ordinance, 1940, this Council authorizes the raising of further loans not exceeding £1,000,000 by the issue, whether within or without the Colony, of registered bonds." At the moment, under the War Loan Ordinance we are authorized to issue 4½ million pounds in bonds. Up to the present the issue has been £4,152,000. It is therefore clear that, in view of the energy with which the Committee organizing the issue of bonds is working, a further authority is required, and the target now set is another million pounds.

MR. NICOL: Your Excellency, in rising to second this motion I should like to make one or two points. The first war loan raised in East Africa closed on the 17th February this year at a figure of £2,138,445. On the 2nd March this year the prospectus for the new loan was issued and since that date to the present time, approximately ten months, the Colony has raised no less than £2,024,000, which I think everybody can consider a most satisfactory figure. The savings are still coming in, as far as the B series are concerned—these are the small denominations—at the rate of £10,000 a week, and the A series have been averaging that figure, while there are indications that the subscriptions between now and the end of the year will be considerably higher than that particular figure, and I think that we should get to our target of £4½ million by the end of the year. By this motion we are raising the target figure to 5½ million pounds, and I

[Mr. Nicol]

sincerely hope that before the end of next year we shall come again to Council and ask for the figure to be still further increased.

The question was put and carried.

SCHEDULE OF ADDITIONAL PROVISION

No. 3 of 1942

MR. TESTER: I beg to move that Schedule of Additional Provision No. 3 of 1942 be referred to the Standing Finance Committee.

MR. HARRAGIN seconded.

The question was put and carried.

PALM WINE BILL

FIRST READING

On the motion of Mr. Harragin the Palm Wine Bill was read a first time, and notice given to move the subsequent readings at a later stage of the session.

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 bill has been introduced at the instance of the Nairobi Municipal Council which has been very much perturbed during recent months at the large number of taxi-cabs plying for hire within the Municipality, a number far in excess of the reasonable requirements of the population. On investigation it was found that there was no authority for the imposition of any restrictions on the number of such vehicles plying for hire. It was found that in June last there were in Nairobi ninety-three cabs plying for hire, whereas there were parking places for not more than thirty-eight, which was considered by the Municipal Council to be somewhere about the reasonable number to satisfy requirements. The Standing Committee for Local Government has considered this matter and has recommended an amendment of the law to permit of municipal authorities enacting by-laws to regulate

the number of such vehicles. All municipal authorities are in agreement, and it is proposed that the intention be carried out by amending the definition of "public vehicles" to include motor vehicles plying for hire or reward, and further to authorize municipal authorities to enact by-laws to regulate the number of such vehicles within their area.

MR. HARRAGIN seconded.

The question was put and carried.

REVENUE TRANSFER TO LOCAL NATIVE COUNCILS BILL

SECOND READING

MR. HOSKING: Your Excellency, I beg to move that the Revenue Transfer to Local Native Councils Bill be read a second time.

This bill provides legal authority for certain recommendations of what is commonly known as the Inter-Relations Committee. Clause 2 of the bill describes certain moneys which will pass from Government revenue to local native councils' revenue. They are revenues derived from the taxation of carts and bicycles belonging to persons residing or having a place of business in local native council areas, all licence fees collected under the Native Liquor Ordinance and trading licences in respect of stores in those areas. The total is estimated to be in the region of £1,750, which is made of £180 from carts and bicycles, £410 from liquor licences, and £1,160 from trading fees. This sum is spread over the whole of the twenty-three local native councils. In passing, I would mention that this completes the legal enactments required to put the recommendations of the Inter-Relations Committee into force. Other sources of revenue from fees of tribunal cases are transferred by rules made under the Native Authority Ordinance. As it is some time since the areas of the local native councils were gazetted and there have been certain changes in the districts since they were made in 1925, the areas will be re-gazetted before this bill becomes operative.

MR. HARRAGIN seconded.

The question was put and carried.

PENAL CODE (AMENDMENT)
BILL

SECOND READING

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

I cannot pretend that this bill is of vast importance because in fact we all know that its provisions have been carried out administratively for a number of years. The first amendment provides that sentence of death shall not be passed on any young person under the age of eighteen. Under the present law, the age is sixteen, but it has been pointed out that Kenya is almost alone in having such a low limit for the sentence of death, and this amendment brings us into line not only with Tanganyika and Uganda but also with other territories in the British Empire. The second amendment is also one of procedure and arose in this way. When a juvenile is sentenced to be birched or whipped there are certain provisions that have to be complied with. A child has to be examined by a doctor to see that it suffers no harm from the whipping, and a doctor is naturally not in attendance of the court at all times so that the practice has grown up unfortunately in certain places whereby the magistrate remands the child to the prison as being the easiest place in which to keep the child safely until the doctor arrives, when the whipping is then arranged and carried out. It has been found in practice unfortunately, that if a child is sentenced in the afternoon the doctor appears the next morning, with the result that the child may have been brought in contact with old criminals, which is most undesirable, and the second and third clauses of this bill make it clear that under no circumstances shall a child on remand for the purpose of receiving a whipping be incarcerated in a prison.

MR. BROWN seconded.

The question was put and carried.

CRIMINAL PROCEDURE CODE
(AMENDMENT) BILL

SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Criminal Procedure

Code (Amendment) Bill be read a second time.

This type of amendment is, I regret to say, a hardy annual in this Council. Almost every year it is my duty to move one amendment or another to the Code. The reason for this is not, as some members might imagine, faulty drafting, although we take every opportunity of making any drafting amendments which are necessary but, as you will see as I go through the bill, there are a number of amendments necessitated by changing times, change of procedure and, particularly in a war time such as this, changing conditions in the country generally. The first amendment necessary, in clause 2, is necessitated by the fact that, following the recommendations of a commission which sat here some years ago, we made it incumbent upon the Supreme Court to visit and try the more serious cases in outlying districts such as Turkana or the Northern Frontier Province. In practice it has been found that this does not, as we had hoped, bring more justice to the natives of that area but if possible, and with all respect to the Supreme Court, less justice, through no fault of that body. The fact is that it is quite impossible in a place like Turkana and the Northern Frontier District to accommodate the judges and crown counsel who have to go round with the Supreme Court, though that is a small matter as tents can easily be arranged, and the other difficulty is that of collecting the evidence and getting it in, and it is necessary to collect witnesses and criminals weeks ahead in order to be quite sure that when the court gets there the case will be capable of being adjudicated upon, or have the court sitting and waiting while hundreds of miles are scoured to collect the necessary evidence. The object of the first amendment is to allow subordinate courts of the first class appointed by you, sir, to hear all cases in that district with regard to natives and Abyssinians and Somalis really, in effect, harking back to the procedure in use many years ago.

The next amendment, in clause 3, is a matter of procedure. Under the existing law it is necessary for a policeman when he arrests a man without a

(Mr. Harragin)

warrant, as soon as he gets to a police station or court house to lay a formal charge against the prisoner. In many districts police askaris are illiterate men who do not know how to read or write, and there may not be a European officer present to help him out, so that it is practically impossible for that man to formulate a charge in writing against the accused person. All this clause does is to permit the charge to be written down by the magistrate himself who, after all, is the most competent person to do it. The policeman lays the charge verbally and the magistrate reduces it to writing and it is read over to the prisoner, who then is in as good a position as if the charge were made by an illiterate policeman. The next is a verbal amendment necessitated by the one made in clause 3.

Clause 5 is to correct a mistake in the original drafting. It is a very small one, but has caused a certain amount of inconvenience. Under the Interpretation and General Clauses Ordinance the interpretation of the word "oath" includes affirmation. Unfortunately, when the Penal Code was drafted, the draftsman, in order to make assurance doubly sure, introduced in section 151 the words "oath or affirmation." The result of that has been that the Supreme Court has said there evidently was a distinction between the two words, and there has been a certain amount of difficulty in practice. This amendment merely deletes the words "or affirmation" so that the original definition in the Interpretation and General Clauses Ordinance will hold good. Clause 6 corrects an omission, either a drafting or printer's error we cannot discover, but by some strange coincidence, when compiling the list of cases in which a wife or husband may give evidence against the other party without his or her consent (that is, the wife or husband), unfortunately bigamy was omitted, with the result that in this country, unlike every other country in the British Empire, in a bigamy case the most offended party could not give evidence.

Clause 7 has been necessitated because it has been found that grave delays

sometimes are caused in cases where the magistrate who tries a case is not there to sentence the criminal. It arises in this way. When a case is tried and the magistrate comes to the conclusion that the man is guilty, as a rule the man is remanded for a period of time during which the police have an opportunity of investigating his record. For instance, let us say that at Kitale a man is found guilty. His finger prints are taken and sent to the C.I.D. here, and a complete record is sent back to the prosecutor. It has been found that in practice it has occasionally happened that the magistrate in the meantime has been transferred to Lamu or some other place, with the result that unless he is brought back to Kitale or the prisoner is sent down to Lamu it has been impossible to pass sentence on the prisoner. This clause makes it possible for the magistrate who succeeds the magistrate in Kitale, having read the record, to adjudge a suitable sentence and pass sentence on the criminal. Clause 8 is a consequential amendment. Clause 6 merely enlarges the existing section 230 which permits a Government medical officer at a preliminary hearing to hand in a written statement of what he found when he examined a person or body about which he has to give evidence. This clause enlarges the concession to all medical practitioners, and I think everyone will agree it is a fair thing to do. Prior to this, a medical practitioner who is not a Government medical officer has been forced to give evidence at the preliminary hearing and again when the case is tried before the Supreme Court hon. members will realise that this in no way will take away from the accused the right at the proper time to examine the medical officer if he desires but it does make unnecessary a double attendance of the witness. It does not mean that in a case which is going to be disposed of by a magistrate a doctor may just send in his statement, it merely deals with a preliminary inquiry where the investigation starts before a magistrate with the object of committing the prisoner to the Supreme Court. A small drafting amendment is also incorporated, as the words "or qualifications" were left out of the principal ordinance, and it was a

[Mr. Harragin]

a question in one case whether when a doctor signed himself M.D. Lon., it could be taken for granted that in fact it was his qualification. We therefore add the words "or qualifications." Clauses 10 and 11 give exactly the same privileges to the Government Analyst as are enjoyed by the medical profession, and I do not think there can be any reason why he should be made to appear twice in a case any more than a medical practitioner.

Clause 12 deals with a strange position which has arisen recently regarding supervisees when let out of prison. Everyone sentenced to imprisonment for a certain period is permitted by good conduct to earn a remission of that sentence. What happens is that if a man is sentenced to two years and earns three months' remission by good conduct he is let out on licence for three months after he has done twenty-one months in prison. I am not pretending those are the exact amounts of the remission, but they are something in that region. In law, he is in effect carrying out the last three months of his sentence at large on licence from the Commissioner of Police. In addition to that type of licensee, there is a person who is by the sentence of the court before whom he is tried given what is known as police supervision; a man may be sentenced to two years hard labour and five years police supervision. That being so, this rather peculiar position arose that, having acquitted himself properly in prison, he is let out after twenty-one months. He is given a licence, and the conditions attached to the court's order with regard to supervision do not start to run until the licensee period has expired, namely, after the two years are up. This clause makes it clear that the moment he is let out the order made with regard to supervision comes into effect. There is another point which I should like to make in connexion with supervision, which occurs in clause 13. It has frequently been put up by the Commissioner of Police that the conditions are not sufficiently strict and were unsuitable to the conditions in this country. For instance, it has been found necessary to order these people, who in practically every case are old

criminals, to report more than once a month to a police officer. A month is a long time in which to get about the country and commit crimes, and the Commissioner pointed out that unless they were made to report at shorter intervals it was impossible for him to keep his eye on them, and in the same way they should not be allowed to move at will from one place to another, because again of the difficulty of keeping them under supervision in the new place they moved to. Clause 14 provides for increased penalties where a supervisee offends twice against the conditions of his licence.

Clause 15 has arisen in this way. It has been found in practice in the court that where a rich man, for example, falls out with his very much poorer neighbour and wishes to bring a case against him, he will go first to the police. Having investigated the matter, the police come to the conclusion that it is not one in which they can interfere. Hon. members can easily understand the conditions under which that can arise. But, as the law stands, and rightly stands, as a private citizen the rich man as an informer can lay his own case, and in due course it is dismissed by the magistrate. Being a rich man and determined he will pursue his enemy as far as he can he then demands there shall be a case stated. The unfortunate accused has, probably at great expense, to employ a lawyer, because the case will doubtless be brought from the country in Nairobi, with the result that although in the end the case is dismissed the unfortunate accused is very much out of pocket. At the suggestion of the Chief Justice, in future, where a private prosecutor wishes to have a case stated, he should first obtain the consent of the Attorney General, whose duty it will be to see there is some substantial case for the accused to answer before permission is given.

Clause 16 is again a matter of procedure and deals with the making of statements before a magistrate. At the end of a case for the prosecution at the preliminary inquiry, the accused person if he so desires may give evidence on oath or make a statement or may say nothing. If he does make

[Mr. Harragin]

a statement, there is a very strict series of rules which have to be followed by the magistrate; for instance, such things as "This statement is made in my presence," and three or four details of that description. If the magistrate by any chance forgets to put in a statement to the effect that each and every one of the conditions have been complied with, the Supreme Court have rightly held that the statement is inadmissible, so that what this clause does is to say that where there is a deficiency of that sort it will be possible for the prosecution to call the magistrate who took the statement as a witness to say on oath what he should have said in writing, so that the accused does not escape on a mere technicality. What I have said regarding a statement in a preliminary inquiry is equally true with regard to a statement taken from a person dangerously ill. Testimony may have to be taken from someone about to die, and it is recorded by a magistrate, and it is evidence provided another series of conditions are carried out. If the magistrate forgets to certify these conditions this will permit him to be called to say that the procedure laid down by law was carried out.

Clause 17 corrects a series, it is true to say, of printer's errors, which might have been due to bad handwriting in my office. I am not sure; for instance, section 177 was referred to when it should have been 179. There then follows in the last part of the clause what I consider one of the most important amendments that hon. members will be considering to-day. Recently, the trend of thought has been that all serious cases should be tried by the Supreme Court. Everyone will agree with that in theory, but in practice it is not quite so easy. For example, you have a series of cases which may not be tried by a magistrate such as robbery with violence, arson, or forgery. On the face of it I agree it is a serious matter and should be taken by the Supreme Court, but in fact there are so many matters that may reduce its gravity. Take, for example, forgery. The reason why a magistrate was not permitted to try a case of forgery is because it is a serious matter which should go to the Supreme Court

which is able to give a sentence of seven years hard labour, whereas the limit of a first class magistrate is three years. The position arises where a messenger in an office suddenly thinks it will be a useful investment if he steals one of his master's cheques, writes his master's name on it, and pushes off to the bank to see if he can get £5. The signature does not deceive anybody, it is a crude forgery, and no magistrate would give him more than three months, but as the law stands there has to be a preliminary inquiry and the accused is sent to the Supreme Court and eventually he gets three or six months. This clause makes it possible in cases of robbery, arson, or forgery, where a first class magistrate considers three years or less an adequate sentence, to dispose of those cases himself, and I think it is an innovation which should be welcomed by everyone in this Council because it will lead to simplicity and rapidity with which cases are tried.

MR. BROWN seconded.

DR. WILSON: Your Excellency, I am deeply interested in clause 2, because from what the hon. and learned Attorney General has said it appears that Government has gone right back on what it decided some years ago, and he has admitted that exactly what hon. members on this side of Council said then would happen has in fact happened, and it has actually resulted in more or less delays instead of quicker and better justice for the native. At the time those members on this side of Council who spoke against the proposal met with a lot of sarcasm from the then Attorney General, who assured us that the result of the measure would be an improvement in justice to the native, and I wish to congratulate Government on having changed its mind.

The question was put and carried.

NATIVE AUTHORITY (AMENDMENT) BILL

SECOND READING

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

[Mr. Hosking]

In your address from the Chair, Your Excellency, in the opening of this session you explained the object of this bill, and it needs little further introduction by me. I have harped so often on the theme of the voice of the African, that it gives me much pleasure to introduce a measure that is designed to obtain the advice of responsible educated Africans on African affairs. I have on a previous occasion expressed disappointment at the silence of the Africans who sit on boards and committees. I know that though this silence may be due to the innate courtesy of the native who is loath to voice his opinion among the majority of Europeans, yet they carry away with them much that they can usefully disseminate among their own people on their return. The Standing Advisory Committee which it is proposed to set up under this bill will consist of equal numbers of Africans and Europeans, and I trust that sitting around a table we may have a frank expression of the views of the African on their own affairs.

The bill provides for the submission of the annual estimates of local native council revenue and expenditure to the Governor in Council through the Standing Advisory Committee. It is not proposed to submit all the supplementary estimates that arise every week of the year through this committee, but there is provision in the bill for other matters besides the annual supplementary estimates to be submitted to the committee at Your Excellency's discretion, and when the supplementary estimates are of sufficient importance or magnitude it is open to Your Excellency to submit these supplementary estimates for advice to this committee. There may be other matters too arising from local native council resolutions or affairs which Your Excellency may wish to submit to this body for advice.

Since the bill was published certain constructive criticisms have been made, and I have your authority to state that it will be referred to a select committee.

Turning to the clauses in the bill, clause 3 provides for the submission of the estimates to Executive Council

through the committee in sufficient time to correlate local native council expenditure with Government proposals in its own Estimates. In sub-clause (2) of the same clause it is laid down that the Governor in Council may approve or vary such estimates. It has been pointed out to me that the word "vary" might connote increase as well as decrease. Of course, that is perfectly correct, and this provision has been challenged, and I think rightly because Executive Council has never hitherto taken upon itself to do other than allow, disallow or reduce an estimate; it does not force on the local native councils expenditure of which they have not approved. There are certain cases, as you will see, by reference to the opposite page of the printed Bill, under section 28 of the principal ordinance, where the Governor in Council may require a local native council to vote moneys where certain obligations have been undertaken or are imposed upon those councils. In the committee stage I shall propose that the word "vary" shall be altered and that Executive Council shall have the power to disallow such estimates or any part thereof. In clause 4 opportunity has been taken to legalize what has previously been done by administrative action and to allow re-allocation of votes within the limits of £25 without the necessity of reference to Executive Council.

Clause 5 is the main object of the bill, and provides for the appointment of a Standing Advisory Committee, and this committee consists of the two members representing native interests on this council, sitting under my chairmanship, with five Africans, and with the Financial Secretary or his nominee there to advise us on financial matters and keep us on the straight path. The African members will, of course, need most careful choosing. I know that it is Your Excellency's intention that these shall not all be drawn from Nairobi, but that the Provincial Commissioners shall be asked to submit names for nomination. The committee is largely educative. We know that the African is capable of taking more part in the direction of his own affairs. We want to educate him to be a public servant and a board on the lines of an advisory

[Mr. Hosking]

board under the Local Government Ordinance seems to be the best way of educating him to take an intelligent interest and to give definite help in his own affairs. We may in such a committee, I think, be able to educate the African how to express his view and how to take a part in public affairs. If we do so we shall be making a great advance. Of course it may succeed in educating the Europeans, and in that case, Sir, I think we shall make an equally great advance.

MR. HARRAGIN seconded.

MR. COOKE: Your Excellency, I should like to welcome this bill as it does indicate an intention on Government's part to delegate to the Africans matters which concern themselves, but I think, if I may say so, that Government should proceed a little faster along the road of African education. I know all the arguments against going to fast and they are many; but there are also arguments against going too slowly. There is something wrong with my arithmetic! because I do not seem to be so accurate in my addition as my hon. friend the Chief Native Commissioner. It appears that there are five Africans as against four Europeans, which gives the Africans a majority of one. I think my hon. friend said the numbers were the same? I was going to suggest that I think it is dangerous to have a majority of Africans, willing as I am to see Africans given more power. It would be much better to increase the number of European representatives by one and, to give the chairman the casting vote, or else decrease the Africans by one. There is just one point, that is clause 3, paragraph (2) which has already been referred to by the hon. mover. I must say I was surprised to see that word "vary," and I really do not see why these estimates should be sent to Executive Council at all. I may be wrong, but I think that in Tanganyika they are not. I do not see why Executive Council should burden itself with these details. Surely you can trust your own Chief Native Commissioner and my hon. friend the Financial Secretary, as well as the two distinguished gentlemen who represent natives in this

Council, to prepare estimates which need not be revised by Your Excellency's Executive Council. It seems to me rather to put a slight on the Standing Advisory Committee if their approval of these estimates is not final.

LORD FRANCIS SCOTT: Sir, I rise to support this motion before Council and to congratulate Government on taking this action. I consider it is a correct line of advance which should be adopted. My hon. friend who has just spoken said that we were not going fast enough and then immediately suggested that it was going too fast by giving Africans the majority on this committee. Personally, if we are going to give Africans more control over their affairs and to encourage them to exercise that control properly, I have no objection to their having a majority on this committee. I do believe that this method, though it may be slow, is the right one to adopt, and I support the motion. There is one other thing; is it necessary for this Bill to go to a select committee if it is only a question of varying one word "vary."

MR. MONTGOMERY: Your Excellency, I merely rise to say that I also do not see why it should go to a Select Committee.

DR. WILSON: Your Excellency, I also see no reason why this bill should go to a select committee. I think that the proposal contained in the bill means a definite step forward in our native administration. We have talked for a long time past of how we can bring the African into closer association with Government in the affairs of the country. The creation of local native councils was a big advance, but obviously we have to look for something more than merely getting the African to take some part in the local government of his own particular district. There have been all sorts of proposals from different quarters for some sort of central advisory council. This is the first time that any such proposal has been put forward in a definite shape and reached the stage of legislative action. That is a notable advance in itself. I take it for granted the bill will be passed as we are now going to see a committee

[Dr. Wilson]

with, as the hon. Member for the coast pointed out, an African majority, which will be appointed for the purpose of representing the native opinion not only of a single district or even of a province, but of the whole country. It is quite true that the subject for discussion by this Committee will be the Estimates of the local native councils, but the fact that the estimates of all the local native councils will be considered by the one committee means that the interests of that committee must include, must be extended to, the whole of the country.

The formation and the functioning of this proposed committee will be a critical experiment, and I think a great deal will depend on the way it works out. I believe there is a good reason for thinking that it will work out well, and that reason is the limitation of the scope of this committee. It will be concerned with practical financial details, and there will be little opportunity for unnecessary and fruitless talk. Discussion will have to be confined to questions of finance, and decisions will have to be made in terms of hard cash. That, I submit, is the strong point of the proposal in this bill. Every other proposal for some sort of central native council or committees has visualized a political native council. Now it is at least open to doubt whether a native political council, if it could be established at all in Kenya at the present time, would be effective in the practical sense. It would offer an opportunity for Africans, who have a natural gift of oratory, of airing their political views and fancies, and it might possibly act as a safety valve and have some value in that way, but it is at least questionable whether it would have any practical value. The members of this proposed committee, on the other hand, will be chosen and called for the express purpose of advising on details of revenue and expenditure, and they will have their minds directed on well defined practical objects. That, as the hon. mover said, that should be of very great educational value. I think that this should be of the greatest possible value in the training and education of those representative Africans who should, in course of time,

as a result of their experience, be ready and fit to be entrusted with wider responsibilities.

As I said, I think the proposal in this Bill is one more step forward towards the closer association of the African in the affairs of the country, and it is certainly a step in the right direction because it is in the way of economic, rather than political advance and development. It is in that direction, in the field of revenue and expenditure, that we have recently been told, and I think rightly, that we should look for the most profitable immediate progress by our African natives. The more complex political problems can be left until later. I beg to support the motion.

MRS. WATKINS: Your Excellency, I rise to support the motion, and I agree that it is a great advance that we should have such a committee to decide African affairs and particularly that we have a majority on that committee. I disagree with the hon. member Dr. Wilson on one point. He is glad that it deals purely with financial as opposed to political matters, and while I agree that the training should begin with financial matters they surely need a safety valve just as surely as we do ourselves over many matters that are not purely financial. I look forward to the committee in a very few years dealing with matters besides finance, and its inauguration is a great advance for the whole country.

MR. HOSKING: Your Excellency, the friendly reception that this measure has met with in this Council has given me great pleasure. I think it was just as well I included the hon. Financial Secretary on the committee if my arithmetic is as much at fault as the hon. Member for the Coast pointed out! Of course it is quite correct there is a native majority, which will ensure that the native will speak even more freely than he would possibly with equal numbers, however friendly the committee may be. The hon. member suggested that reference to Executive Council might be superfluous and that the power of approving or disapproving might rest with this committee. Let us try out this committee first. The Standing Committees for Local Government of

[Mr. Hosking]

the Municipalities and District Councils now have executive power, and certain local government bodies have this executive power over their own finances. In due course it may be possible to transfer executive power to this committee, but let us try it out first of all before we commit ourselves to such a step. I do believe in advancing steadily all along the line without having to take a step backwards, even though my progress is that of a tortoise or a hermit crab. As the hon. member representing native affairs has pointed out, it does open up vistas and I do see a future for the African, and I am glad that this measure should leave the way open to further development, but let us not make the mistake of going too fast in the matter. As the hon. Member for Kiambu said, it is a safety valve. I was not considering it even in that light, but we know that the Africans to-day do wish to have more voice in their affairs, and I am sure that this measure will be welcomed by the educated natives who, through the nature of their occupations, have not the opportunity or the time to be elected to a local native council. Some of them are in key positions in employment and this committee will allow us to get hold of that type of man who cannot himself serve on the native institutions.

On the question of referring the bill to a select committee, I should prefer to do so. I have asked for it to be referred because I thought that "vary" might have been challenged. It has been pointed out that where Government approved the collection of certain revenues it might have to have the last word as to how those revenues were to be used. It is only a small point, but Government might have to say "you shall use these revenues which we have given you in this way or in that way." Personally, I do not think it is necessary. There was another matter in the bill which I think is a committee point to which I did not make reference in my speech introducing the bill. That was as to the inclusion in clause 4 of the words "by resolution passed and" between "except" and "with" in line 1 of the proposed sub-section 1 of section

28. I regard that as a committee point and I did not mention it in my speech introducing the measure. I am sure I shall not be out of order in introducing it in replying to the debate, but I have done so in order to explain my reasons for still wishing the matter to be referred to select committee.

The question was put and carried.

Mr. Harragin moved that the bill be referred to a select committee comprising: hon. Chief Native Commissioner, chairman; hon. T. A. Brown, hon. S. H. Fazan, hon. C. Tomkinson, hon. Member for Rift Valley, hon. Member for Eastern Area (Mr. Patel), hon. Members representing Native Interests.

MR. BROWN seconded.

The question was put and carried.

BILLS

IN COMMITTEE

On the motion of MR. HARRAGIN, seconded by MR. BROWN, Council went into committee to consider clause by clause the Local Government (Municipalities) (Amendment) Bill, the Penal Code (Amendment) Bill, and the Criminal Procedure Code (Amendment) Bill.

Criminal Procedure Code (Amendment) Bill

Clause 13: MR. HARRAGIN moved that this clause be amended by the deletion of the words "the" and "and" on line 22, and the question was put and carried.

MR. HARRAGIN moved that the first two Bills be reported without amendment, and the third with amendment.

Council resumed its sitting, and His Excellency reported 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 Wednesday, 9th December, 1942.

Wednesday 9th December, 1942.

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 9th December, 1942, His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

COMMUNICATION FROM THE CHAIR

CUSTOMS AND EXCISE DUTY ON TOBACCO, ETC.

His Excellency delivered the following Communication from the Chair:—

Honourable members will find that they have had circulated to them this morning copies of a bill to increase the rates of customs duty and excise on tobacco, cigarettes and cigars. I should like to explain the circumstances in which this proposal to impose additional taxation is being brought before Council at this stage.

In the course of its deliberations on the Draft Estimates for 1943, the Standing Finance Committee considered the question of the imposition of additional taxation and recommended that the Government should consider further the desirability of increasing taxation on luxuries. No recommendation to this effect was embodied in the Report itself, as it was thought inexpedient to do so, but the Chief Secretary, as Chairman of the Committee, was authorized to convey the Committee's views to me personally. I welcomed this recommendation since at the recent Governors' Conference it had been agreed that the Governments of Kenya, Uganda and Tanganyika should examine the desirability and practicability of increasing the rates of customs duty and excise on tobacco. This form of additional taxation was selected on the grounds that tobacco is one of the few non-essential commodities which is consumed by all races alike, while to the extent that the new duties proposed result in a reduction in the use of leaf imported from the United States of America there will be a saving in dollar expenditure, since such supplies are not covered by Lend-Lease arrangements. In the case of Kenya, any additional revenue that may accrue from

this source will *pro tanto* reduce the estimated deficit on the 1943 Estimates. As a result of the report furnished by the Commissioner of Customs to all three Governments concerned I have been informed by the Governments of Tanganyika and Uganda that they favour the imposition of the increased rates of duty now proposed. I accordingly sought the advice of my Executive Council and on their advice an Order under the provisions of the Customs and Excise Duties (Provisional Collection) Ordinance was issued yesterday instructing the Commissioner of Customs to levy with effect from to-day the increased rates which are set out in the bill before honourable members.

As honourable members are aware, an Order under the Provisional Collections Ordinance expires ten weeks after the date on which the Order takes effect unless it is replaced by an Ordinance. It is proposed, under the suspension of Standing Rules and Orders, to take the bill which has been circulated to-day, at an early date next week before the Report of the Standing Finance Committee on the 1943 Estimates is adopted, so as to permit of an amendment of the Standing Finance Committee's Report to conform with any consequential increases in the customs and general revenue estimates. The Chief Secretary is therefore giving the necessary notice under Standing Order 52 (5) this morning. Full details as to the implications of the increased rates of duty proposed and of the additional revenue that is estimated to accrue therefrom will be given on the second reading of the bill.

MINUTES

The minutes of the meeting of 8th December, 1942, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By Mr. RENNIE:
Standing Finance Committee Report on Draft Estimates of Revenue and Expenditure for 1943.

By Mr. HOSKING:
Select Committee Report on the Native Authority (Amendment) Bill.

NOTICES OF MOTIONS

The following notices of motions were given:—

That in accordance with Standing Rule and Order No. 52 (v) to move on Tuesday next, 15th December, that the report of the Standing Finance Committee on the Draft Estimates of Revenue and Expenditure for 1943 be adopted subject to such consequential alterations as may be found necessary in the Revenue Estimates as a result of the passing of the War Revenue (Customs and Excise) (Amendment) Bill.

By Mr. HOSKING:

That the Select Committee Report on the Native Authority (Amendment) Bill be adopted.

ORAL ANSWERS TO QUESTIONS

No. 33—MOMBASA EVACUATION: COMPENSATION

Mr. COOKE:—

Is Government aware that considerable hardship and expense were caused to a number of Mombasa residents of all races who evacuated from that town at the suggestion of the civil and military authorities last April? Does Government propose to compensate these people (a) wholly or (b) partially for their loss?

If not, why not?

Mr. RENNIE: The answer to the first part of the question is in the affirmative.

As regards the second part, the Government is prepared to compensate persons who voluntarily left Mombasa under the evacuation scheme to the extent of refunding rail fares and other railway charges of a reasonable nature, subject to a reasonable maximum in each case.

In view of the answer to the second part of the question, the third part does not arise.

No. 74—GHEE PRODUCTION, SOUTH KAVIRONDO

Mr. KASIM:

Is it a fact that the Indian Elected Members' Organization in its letter dated 26th April, 1939, submitted a comprehensive memorandum on the subject of the making of ghee by the

pioneer Indian traders in the South Kavirondo district of Nyanza Province?

Is it a fact that the Organization strongly protested against Government's arbitrary action in forcing the pioneer Indian traders engaged in ghee making to sell their ghee making plants, which numbered over 100 units, situated all over the district of South Kavirondo.

Is Government aware that these pioneer Indian traders within a period of 20 years brought the production of ghee from 15 tins to 4,000 tins, 64 tons, per month, valued at £6,000, and developed the industry to the benefit of the whole Colony?

Is it not a fact that the question of eliminating these pioneer ghee makers was taken up by the African employees of these Indians, instigated by a few African dairy owners through their local native councils on the ground that they were able to make ghee, and Government without inquiry and without affording any opportunity to the Federation of Indian Chambers of Commerce arbitrarily served notices upon the Indian dairy owners to remove their dairies, as a result of which the pioneer Indian dairy owners were forced to sell at any cost their plants to their employees, and in some cases to their rivals, at a huge financial loss?

Is Government aware that since the elimination of Indians from ghee making the production has decreased and there is an actual shortage of ghee in the country?

If the reply is in the affirmative, will Government review this question and encourage Indians to open and work dairies in the district of South Kavirondo without any racial discriminations?

Mr. DAURNEY: Yes.

It is not a fact that Government arbitrarily forced the Indian dairy-owners to close down. Certain Indians bought separators and churns and financed natives to work dairies for them in the South Kavirondo District. In 1936 it became clear that these Indians claimed not merely to be financing these dairies but to be the actual owners of them.

[Mr. Daubney]

They were reminded that they had no leases and could not be recognized as owning the plots but only as having a financial interest in the concern. They then applied for leases. The Local Native Council objected on the ground that the natives could very well conduct all the dairies that were necessary in the reserve. The objection was upheld and the leases were not granted. The Indians then sold the separators and other tackle to their native employees, who continued to conduct the dairies precisely as they had been doing before.

Government recognizes that a stimulus was given to ghee production by the Indian traders, especially in South Kavirondo, but claim that the increase in production from 15-4,000 tins monthly in the Kavirondos was in great measure due to the efforts of Government Departments which instructed Africans in the production of a high quality ghee, and to local native councils who provided the necessary funds.

The number of African dairy owners in South Kavirondo was already rapidly increasing some years before the local native councils first objected to the grant of leases to Indians. The African dairy owners who had been trained at departmental centres were producing a good quality ghee. The number of African-owned dairies in South Kavirondo during the period 1934 to 1941 was:—

1934 .. 447	1935 .. 468
1936 .. 560	1937 .. 642
1938 .. 647	1939 .. 688
1940 .. 694	1941 .. 721

Production in South Kavirondo has not decreased since the elimination of Indian-owned dairies, as the following figures of tins of ghee produced will show:—

1934 .. 19,600	1935 .. 20,893
1936 .. 19,818	1937 .. 18,431
1938 .. 19,568	1939 .. 25,364
1940 .. 28,640	1941 .. 28,849

The number of dairies is close to saturation point and all dairy equipment to be available will be required for the present registered dairy owners. Government has no objection to the establishment of Indian-owned dairies in townships or trading centres.

POLICE TERMS OF SERVICE COMMITTEE REPORT

MR. RENNIE: Your Excellency, I beg to move: That the Police Terms of Service Committee report be referred to a select committee.

Hon. members will realize that Government has tabled this motion in view of the expressed wish of hon. members on the other side of Council that an opportunity might be given for a debate on this report. I do not propose to go through the recommendations one by one. The recommendations which have financial implications have already been considered by the Standing Finance Committee at several meetings and that consideration has been of a most thorough and painstaking nature. I am able to say that the Standing Finance Committee is in general agreement with the recommendations in the report which have financial implications, and has recommended to Government their adoption. Government has given consideration to the recommendations in the light of the advice of the Standing Finance Committee, and is disposed to accept those recommendations with one exception, and this exception was brought to the notice of Government in the report of the Standing Finance Committee dealing with the recommendations. The exception is contained in paragraph 58 in the summary of recommendations, on page 17, where you will see the recommendation in the following words: "Literate allowance should be abolished for new entrants." That recommendation has implications not only financial but of a wider nature, and the Standing Finance Committee felt that so far as it was concerned it could not agree with the proposal that this literacy allowance should be abolished. So far as Government is concerned, it feels that the recommendations would be contrary to the policy of the Government of providing educational facilities for Africans. Not only is there that aspect of the matter to consider but, so far as the Police Force is concerned, the Commissioner is strongly of the opinion that the acceptance of the committee's recommendation would militate against efficiency and would retard progress. He considers that in a large number of petty cases that are reported to the police

[Mr. Rennie]

trained and literate African personnel could deal effectively and efficiently with such cases. He has only recently conducted a review of the Force in an attempt to establish how many literate constables are really required for the duties that are imposed on the Force, and that review has disclosed that the Force requires some 50% of its establishment for literate duties, and although the Commissioner has been trying to obtain as many literate recruits as possible in order to provide stations with the required number of literate recruits it will be many years before he has achieved this object. I should like to make it clear that this does not mean that illiterate recruits are not being accepted at the present time; they are being accepted and will be necessary for many years to come, since they can be employed on much useful work.

So far, then, as the recommendations of the report which have financial implications are concerned Government, as I said, is disposed to accept the advice of the Standing Finance Committee. Of the remaining recommendations I need refer to only one or two. That contained in paragraph 26, which deals with promotion to the rank of assistant superintendents of police, is a very difficult and contentious subject. So far as Government is concerned, it is very doubtful indeed whether the suggestion in paragraph 26 would be an improvement on the present arrangement. In the view of the Commissioner of Police the adoption of this recommendation would probably cause more dissatisfaction and ill feeling in the Force than the present arrangement does. I have discussed this particular proposal with more than one member of the committee, and I realize the amount of care and consideration which was given by the committee to this subject. I myself have reached the conclusion, speaking personally, that the present system with certain modifications would be much more likely to achieve satisfactory results than that proposed by the committee in paragraph 26. Most hon. members, I think, will agree that the eight year period of what amounts to probation is a very long period indeed. There are no doubt other points which hon. members will wish to bring forward

in the course of debate, and since they have no doubt given consideration to the recommendation in paragraph 26 and have alternative suggestions to submit I shall be very much interested to hear what those alternative suggestions are. Paragraph 28 is bound up with the recommendation in paragraph 26, and to a large extent stands or falls by the fate that will await the recommendation in that paragraph.

There are one or two points in some of the other recommendations, for instance, those in paragraphs 29 and 30, with which Government is not in full accord but, subject to that qualification, Government is in general agreement with the remainder of the recommendations. I do not propose to discuss those recommendations in detail; this debate is to enable hon. members to express their views rather than to listen to mine. I may add that steps have already been taken to prepare the necessary legislation to implement the recommendation in paragraph 48, which states that "the Non-European Pensions Ordinance should be amended to include all Asian members of the Police Force within the scope of the provisions for awards to themselves or their dependants, as the case may be, in the event of their being killed or injured on duty and in circumstances arising from the nature of their duty", and in paragraph 65, which states that "the regulations which provide for awards to African soldiers killed or injured on duty or to their dependants should be extended to include African policemen". As regards the recommendation in paragraph 46, which states "Government should consider giving an undertaking to vote interim pensions to any non-commissioned officer who may retire on grounds other than misconduct or voluntary resignation before the main scheme is introduced," Government has already addressed the Secretary of State. Well, I do not propose to take up more time this morning at this stage in dealing with these recommendations. I merely mention now that if hon. members feel that the object of the debate will be sufficiently met by Government considering any suggestions made this morning in the course of the debate and taking those suggestions into account before final decisions are arrived at, I shall be

[Mr. Rennie] perfectly prepared, if that is the wish of Council, to withdraw this motion at the end of the debate.

MR. TILSTER seconded.

MR. COOKE: Your Excellency, as I have certain criticisms to offer about the report, I should like to start by congratulating the authors that, unlike so many Governments documents which bear the imprimatur of senior Government officials, it is written in the King's English, and it has got a notable frankness, indeed pungency, about the recommendations, although I noticed that the hon. Chief Secretary has drawn attention in a skilful manner to the phrase "literate allowance" which I agree should have been "literacy allowance".

I think the committee have started at the wrong end. They seem to have been obsessed with the idea of economy and with the financial implications of the report. It is as if a man owning valuable property would not pay a high premium for that property and lost it by fire or other means; and I am afraid that after the war there may be conflagrations in this country. I regard an improvement in the terms of service as a means of obtaining the loyalty and efficiency of these African forces, and this would be a very wise investment. I therefore join issue with the committee when they draw so much attention to the financial implications. This is all the more inexplicable when you refer to paragraph 22, where the committee actually says: "We are satisfied that there is a deep and genuine grievance, which has resulted in widespread discontent and even unrest". Those are very strong words, and therefore I think we have every justification in advocating that financial considerations should be in no way a handicap to the carrying out of the recommendations which the people of the country feel should be carried out. I do not agree that the terms of service of the Police Force should not be different from the terms of service of other departments in this country. A policeman has got to have an exceptional knowledge of the law, he has got to be a man of personality and initiative, able to handle men, and must know a certain amount about

accounts; it would be absurd to compare him (with all due deference to my distinguished hon. friend the Financial Secretary) to junior officers in the Treasury where reasonable efficiency and honesty are the chief requisites; and you must admit that a policeman has to have much more than that. That is the reason why I think the police terms of service should be different from the terms of service of other departments. I do not see why that should lead to discouragement in other departments because, after all, it is up to the young men of the country, if they find the police service is more attractive, to enter it rather than enter one or other of the other departments.

I was very glad to hear the hon. Chief Secretary say that Government did not agree with the recommendation that a policeman should be informed after eight years as a non-commissioned officer whether he was unfit for promotion or not. That seems to me to have certain advantages, but the disadvantages completely outweigh them. For instance, a sensitive man would probably say that it was no use trying any more, and an insensitive man would work less than he did before, and the unfortunate country would be burdened not only with inefficient policemen but disgruntled ones. I oppose that particular recommendation. The present system under which a man is not confirmed in an appointment until after three years probation, if properly put into effect, is the right safeguard against inefficiency. I have always held myself, as an ex-Government servant, that the weakness in the Government service is that there is not enough weeding out in the first three years. Senior officials have the habit of letting a man go on and the Service suffers, and you get men of fifteen and twenty years standing who are really a dead weight on this country; it is impossible to get rid of them, of course, unless they commit some serious offence. I was very glad to hear that Government had accepted the recommendations about pensions and provident fund, because that is a matter of great urgency on which the police feel strongly. One very important point which has financial implications, and that is the paragraph

[Mr. Cooke] which refers to stagnation. I see the committee refer to hard cases, and we all know that "hard cases make bad law," but you have in the Police Force at the moment six or seven officers who have stagnated for many years. When I got knowledge that the draft report was not going to make provision for those men I saw the chairman and specially made that point, and I thought I had converted him, but apparently the other members of the committee were too strong for me, and the consequence is that these six or seven men, many of whom have done between fifteen and twenty years service, and are married, with children, find themselves on about £400 a year and no chance of getting an increment, except one of £25, which is totally inadequate for men of that seniority and responsibility. Their difficulty should be overcome by a personal allowance. I have no intention of being offensive to my friends in the Secretariat, but I notice in that branch that when a man gets to the position when he cannot get any further increment he often gets a personal allowance. I remember two cases, I will not mention names, but if it was so easy to do it for those gentlemen it must be equally easy to do it for these policemen.

I was glad to hear about the literacy allowance, because it would be a most retrograde step to discourage the African trying to make progress in literacy. I would add another reason for retaining it, and that is: the ordinary native is becoming educated, and you must, if I may use the expression of "setting a thief to catch a thief," have literate men who have a certain amount of education to deal with those educated natives whom we shall have in increasing numbers before very long. The question of the recommendation that sub-assistant African policemen should be graded in Grade C seems to me a retrograde step. It is really putting them on a level with hut counters and junior masters and other people who have nothing like the same responsibility that these inspectors have. I do hope Government will try and encourage these men by giving them pay much greater than the sergeants get. They are naturally much more intelligent, and are picked men

and deserve that pay, and I hope Government will at least try to put them in Category D or E: I suggest E, the higher.

I hope this matter will go to a select committee because there are a great many details (apart from questions of policy) which require discussion, and I do not think the Police Force, and rightly so, would be content with just a debate in this Council. The question of urgency arises. I am the biggest critic of putting things off, and I do not like to hear that a matter "is under consideration," but this matter has been delayed so long that if it is delayed for a week by referring it to a select committee would not be resented by any member of the Force. That is all I have to say, but I will end in a way that may seem rather contradictory, by asking that Government should try and get a move on, and even if they do not come to any definite decision about one or two of the recommendations they should accept the others and get on with them and leave the ones which are a matter of doubt to be decided later on.

MR. SOUTH AIN AIT: Your Excellency, I would like to ask this question. I know there are Arabs working in the Police Force, but I see no mention made of them in this report. I should like to know whether they are placed under the heading of Asians or Africans?

MR. NICOL: Your Excellency, I want to record my opinion, that I feel there is a very real need for a separate and distinct terms of service for the police as opposed to other departments of Government, and I do hope that when we are considering the Standing Finance Committee Report on the Draft Estimates that Government will take the opportunity of letting us know whether they accept the recommendations contained in paragraph 116 referred to by the hon. Member for Nairobi South that the Kenya European Civil Service come under review, and with special reference to the police. The other point is that I think, like the hon. Member for the Coast, that eight years is much too long a time to hang on to a man before telling him he has no hopes of promotion. One certainly ought to be able to make up

[Mr. Nicol] one's mind as to a man's character and ability after three years, if not after 18 months. Finally, with regard to the suggestion that illiterates only should be taken into the police, that strikes me as being a real condemnation of the efficacy of the Education Department on whom I observe that this next year we estimate spending for African education £76,000-odd.

LORD FRANCIS SCOTT: Sir, in view of the statement made by the hon. mover and having listened to the speeches made since he spoke, it seems to me that there is no good case for this report to go to a select committee, provided that Government do intend to accept the recommendation of the Standing Finance Committee already referred to by two members, recommending that there should be a general investigation into the Kenya European Civil Service posts. If that is going to be accepted, and personally I think the time has come when it should be done, I do not think there would be much advantage gained by having a select committee on this report at the present time. As I understand it, Government have already looked into all the financial implications, and where Government have differed from the committee's report in one or two matters I think the general feeling of members seems to be in agreement with Government's action. In view of that I cannot see that there would be much benefit to be gained by a select committee. The main crux of the situation is the question of the Local Service terms of service, and I think that members should perhaps cast their minds back as long ago as the last Great War. At that time the Government servants in this country, before that war, had terms of service which were very much inferior to what they are to-day. During that war it was decided to give a special war bonus of 25 per cent all through, and subsequently that was incorporated in the substantive salaries. In due course the slump came along, the Colony found itself in a position where it could not raise enough revenue to pay the outgoings necessitated by these rather expensive salary commitments, and that resulted in various committees going into these questions and trying to evolve some better method of meeting the commit-

ments. Among those recommendations was the institution of the Local Civil Service, and the main reasons for that service being instituted were, first of all, economic, so as to get away from the idea that all civil servants in this country must be recruited from overseas and going home every three years and having expensive passages to and from England; secondly, that there should be openings for the local youths who belonged to this country. Those were the main reasons for the institution of the Local Civil Service.

War always upsets the standard ideas of what has been going on and people are apt to lose all sense of proportion during a war. At the present time we have taxed ourselves pretty heavily for war purposes and consequently there is a certain amount of money available, and people are apt to want to spend that money without thinking ahead to the time coming when there will not be so much revenue available and we shall not be able to foot the bill. At the same time, it is essential that our servants are paid adequately and in such a way as to avoid discontent and, especially in the case of the police, to put young police officers in a position where they ought not to get into debt and cannot carry out their duties satisfactorily. Bearing that in mind, if it is found that the actual amount of the salaries which are paid to these officers is not sufficient to enable them to do their duties properly and efficiently and to lead a proper type of life, then those salaries should be increased. But I do hope that we shall not take the retrograde step of going back and putting everybody on the old terms of service, which postulates people not having their roots in this country but really having their homes right away overseas and consequently all these passages and so on. I have an open mind on the question of housing and pensions; personally, I favour the system of contributory pensions, but if officials are to contribute they should have a sufficient salary to do so, and the same in regard to housing. Therefore the police question should not be dealt with by itself, but I do strongly support the recommendation put forward by the Standing Finance Committee, which I have seen this morning, and I trust when this investigation is made that

[Lord Francis Scott] we shall look at it from the practical point of view and see that the terms of service are adequate and not necessarily extravagant.

MR. COULDREY (Nyanza): Your Excellency, in rising to talk on this subject I am at a considerable disadvantage because, possibly owing to the fact that I am a new member, I only this morning managed to get a glimpse of the report of the committee and curiously enough I believe that even in Legislative Council people should know something of what they are talking about! In view of this paragraph 116 of the Standing Finance Committee Report, I see no real good in referring this report to a select committee. I believe that the terms of service of the Kenya Police Force should not be better than the terms of service of other branches of the Kenya service, and therefore I trust that if this matter is going to be opened on a wide basis it will serve the purpose which the committee, as far as I know, I have not read their report, has recommended, that is an improvement in the terms of service of the Police Force. One thing I should like to say. If we do have that committee, which I suppose will be appointed, to inquire into the terms of service of Kenya civil servants, they should not draw too much on the terms of service ruling in neighbouring territories, but should go to such places as Southern Rhodesia, and probably base our terms of service on the lines ruling there. I repeat that I do not see any use in referring the report to a select committee.

MR. KASIM: Your Excellency, I would like to speak on one or two points of the report. It will be remembered that two years ago, in the course of my speech on the Estimates, I suggested that members of the Police Force were subject to the temptation of bribes more frequently than any other branch of the Civil Service, and therefore they must be well paid. I am glad to read in this report that the committee shares my view. On page 9, paragraph 45, three posts of chief inspector (Asian) are recommended; I suggest that the number should be increased to five, and I hope the select committee will consider this point. On page 11, paragraph 55, the scale of salary

recommended by the committee for the African sergeants is very low. They have very responsible duties, and their scale should be revised, and I hope the select committee will consider the point I have raised.

COL. KIRKWOOD: Your Excellency, like other speakers I am rather at a disadvantage this morning. The Standing Finance Committee Report was only tabled this morning and one paragraph has been quoted by previous speakers. I am referring to paragraph 116, in the course of which it says: "The committee felt that it was undesirable to deal with these matters in a piecemeal fashion, and recommend that a full investigation should be made of the various posts included in the Kenya European Civil Service and the salary scales applying to them. In making this recommendation, the committee realize that these questions had been fully examined by the Harragin Committee in 1938, but felt that a further review was now desirable." I certainly agree with that wholeheartedly, and I would ask Government to give an assurance that that recommendation will be implemented and a committee appointed to review the whole of the terms of service in Kenya. That is tied up with paragraph 32 of the report of the Police Terms of Service Committee. I have been informed that there are three inspectors—two with 23 years service and one with 22 years—affected by the increase of £20 a year, otherwise a total of £60. This paragraph reads: "The present salary scale for pensionable chief inspectors on overseas terms is £480 to £540 while the corresponding Kenya European Civil Service scale is £500 to £600. We are satisfied that the Kenya European Civil Service scale is adequate. It is a common scale throughout the Kenya European Civil Service, but the corresponding pensionable scale in other departments is £500 to £600. We recommend that this scale be applied to pensionable chief inspectors with retrospective effect from 1st of January, 1942. The financial implication would be additional expenditure of £180 in 1942, which would rise in due time, as all the individuals concerned attained their maximum, to £600 per annum". Only three inspectors are concerned in this,

[Col. Kirkwood]

and it would not be the amount stated in this paragraph. I should like an assurance that whatever the implication of paragraph 32 is it has been accepted by Government and that that additional money will be covered by special warrant as it is obvious it cannot be included in the present budget. It is very difficult, having only seen the Police Terms of Service Committee Report this morning and also the Standing Finance Committee Report on the Draft Estimates, to debate this question adequately, but I want to make those two points. I am not recommending that this report should go to a select committee, and would strongly urge that it should not go if Government gives the assurances I have asked for: that paragraph 116 will be implemented at an early date and the committee appointed and that the money required to cover paragraph 32 of the Police Report should be supplied by special warrant.

MR. VINCENT: Your Excellency, just briefly on a question of principle in case we are likely to become confused as between the Police Report and the Report of the Standing Finance Committee, I should like an assurance from the hon. Chief Secretary that though we are considering the Police Report on the one hand there is the report of the Standing Finance Committee on the other, which deals with a point of principle affecting the police, a department which I consider is one of the most important in this country, and we should not be prevented from considering the police under paragraph 116 on page 13 of the Standing Finance Committee Report regarding the Kenya European Civil Service posts: "The Committee noted that in a number of cases representations had been made that posts included in the Kenya European Civil Service should be accorded free pensionable status, and that the salary scales applicable to certain other posts included in that Service were incommensurate with the duties and responsibilities of the posts"—etc. I hope that the status of the police—the Europeans especially, whose duties are quite different, and I understand have been recognised as being quite different, to other Departments in Government, because they are

on duty all the time—will come within the scope of that particular reference so that they may be considered, and I trust that as little delay as possible will be occasioned in giving this matter very close consideration and effect.

MRS. WATKINS: Your Excellency, I am concerned again with the one stark fact of the pay. An increase in the pay seems to me naturally to have a great many financial implications, but I do consider that it is absolutely wrong to have these men, as the hon. Member for the Coast has just said, on £400 a year, or £33 a month—Sh. 660 only which you pay a man after twenty years service and Sh. 447 per month—into their hands after about five years service, and this Council sits here in solemn conclave and suggests that is sufficient for these young men with tremendous responsibilities: responsibility for life and property and the protection, very largely, of our countryside from stock thefts, and so on; and then we have, I should like almost to say the impertinence, to offer them £22 a month into their hands. To my mind it is sheer hypocrisy, when we know we could not live on it ourselves. We would leave the Service as soon as we could get out of it, and yet we expect a man to stay in the Service, to protect our property, to treat us with reasonable courtesy and care while denying them even such things as a comfortable chair to sit in at night, because that is what low pay means: they have not enough money to furnish a house, and the houses themselves are in a filthy condition. I heard someone yesterday say charge pay should be given for certain posts; if we cannot pay a man decently because he is a policeman, perhaps we could attach charge pay to certain posts carrying great responsibilities. You are asking for corruption when you do not pay a man properly. It means one further disadvantage. The young men of this country when they come back will not have a good Police Force to join and, now I am speaking entirely without the book, I should think it would mean that we should lose not only the present Commissioner of Police, but future Commissioners too, if they are good men, because they will not stand by and see their men paid like that, and I do

[Mrs. Watkins]

not think any good man will stand by seeing it going on year after year and without any hope of getting the men properly paid and properly looked after.

MR. PATEL: Your Excellency, though I am not opposing the motion before the Council I do not see what good purpose would be served by referring the report to a select committee, as we are told the whole matter has been considered very carefully by the members who have put their signatures to this report, and I see the names of the persons who examined the whole question are all members of this Council except the Deputy Financial Secretary. Now what we propose to do is to appoint another committee to examine the report of the members of this Council. Still, as I say, I am not opposed to it if it will serve any useful purpose. Instead of that, as was suggested by the hon. mover, if Government could give an undertaking that any useful suggestions which may be made in this debate will receive careful consideration, I think that will save time and duplication of work. It has, I submit, become rather a habit with us that once some committee or commission submits a report after considering all the evidence, memoranda and hearing all the witnesses, some other committee will come forward, without hearing the evidence and without having before it the materials which the previous committee had at its disposal, to make other recommendations. I desire to take the opportunity of making one or two comments in regard to the Indian members of the Police Force in order that Government may give careful consideration to them. I am glad that, as the hon. mover has indicated, in regard to two recommendations Government is already taking steps to implement them. One chief point which has been overlooked by the committee is that they have not carefully considered the difference between the terms of service of the Asian clerical staff and the Asian members of the Police Force. It has been brought to my notice that there are Indian sub-inspectors in the Police Force who joined the Service at the same time as their colleagues in other departments as clerks, and when these clerks had reached the grade of Sh. 500 per

month, the Indian policemen were stagnating on Sh. 300 to Sh. 350 a month. These were real cases of stagnation, and from enquiries I have made I understand that there is very little chance of their being able to go further. I hope the recommendations of this committee will remedy that state of affairs, but at the same time I must say that the committee did not take into consideration the duties which these Indian policemen have to perform and the responsibilities they have to undertake in comparison with the Asian clerical staff serving in other departments, and I think that these Indian policemen should have better terms—at least equal terms—to those under which the Asian clerical staff is working. I should like to refer to paragraph 47 in which in the last two lines it is stated:—"except to say that we are satisfied that, in so far as the Asian members of the Police Force are concerned, the grievance is a very real one." I hope that the Government will do all it can to put matters right.

Though it is not within the terms of this report I should like to make one suggestion in regard to the recruitment of the Indian members of the Police Force. As some hon. members are aware, for the last ten years no increase has been made to the Indians and I think it has adversely affected their work as far as the Indian community is concerned. It is very difficult for the European Police Force or the African Police Force to deal with the detection of crime among the Indian community and it is necessary that an adequate Indian Police Force should be maintained, but for some reason or other the Police Department has not made any effort to increase the number of Indians in the Force for the last ten years, though there has been an increase in the Indian population of this country. While making that suggestion I also desire to suggest that in recruiting these new Indian policemen preference should be given to those Special Indian Police who have come forward to help during time of war, and failing them, an effort should be made to recruit proper policemen from India.

With these suggestions I again submit that the Government should give an undertaking that the suggestions made in

[Mr. Patel]

this debate will receive careful consideration and I think duplication of work by appointing a select committee should be avoided.

MR. RENNIE: Your Excellency, perhaps it will save time and preclude the necessity of my dealing with a number of individual points which have been raised if I deal with this question of implementing the recommendation of the Standing Finance Committee contained in paragraph 116 of the report. More than one hon. member has asked for an assurance that that recommendation will be implemented at an early date. Well, Sir, I am authorized by you to say that Government is prepared to implement that recommendation (applause), but I would, in view of the remarks made by the hon. Member for the Coast, add the qualification that it may not be possible for this committee to begin work at an early date. As hon. members are aware, the work of a most important committee last year had to be deferred in view of the pressure of work on most of the members comprising that committee. However, subject to that qualification, I can assure hon. members that Government proposes to accept this recommendation in paragraph 116 of the report.

Having started off by preparing the ground in that fashion, I do not think there is very much detailed comment called for. The question whether or not the Police should have special terms of service is one of the matters that can be reviewed by this committee that I have just referred to. The hon. Member for the Coast referred to stagnation in certain cases and did not agree with the recommendation contained in the report in that regard. Well, as I have indicated more than once, if you start to work improvements with retrospective—or, as some people prefer to call it, retroactive—effect, you are opening a very wide door indeed and it would not be a door that would be confined to this particular class of officer only, and so far as I am concerned, and speaking on behalf of Government, I agree with the finding of the committee in respect of that stagnation question. The hon. member Mr. Patel spoke about the question of increasing

the number of Indian members of the Police Force. That, Sir, is a point into which you yourself have been going recently and the matter is still under consideration. The hon. nominated Arab member asked a question as regards the salaries that are applicable to Arab members of the Police Force. I am told that the number of Arabs in the Force is so small that no special terms of service have been prescribed for them, but now that the question has been brought to the notice of Government, the Government will consider it in the light of the Arab and African Terms of Service Report.

The noble lord, the hon. Member for Rift Valley, very wisely, if I may say so, reminded us of the history of the inauguration of the Kenya European Civil Service and pointed out that that service had been inaugurated for two main reasons, and that great care must be exercised, especially at the present time, when some people think that Government has a considerable amount of money in its coffers. Great care must be exercised before the decisions arrived at in 1934 and 1935 are upset. That is a point that will need very careful consideration indeed by this committee that is to be appointed under paragraph 116 of the Standing Finance Committee report. It is quite natural, as the noble lord pointed out, that in war time we should adopt a certain attitude towards such conditions of service, especially when as a result of additional taxation we find our surplus revenue considerably higher than it was before the war, but we must also have regard, as the noble lord said, to probable periods of depression, and to my mind it is a question that needs very careful consideration. It would be a tragedy, as happened in some colonies after the last war, if we made a number of pensionable appointments now, stepped up the conditions of service, and then found ourselves obliged in a few years to retrench a number of officers. I think that whatever committee is appointed will have to go into the matter very carefully before making any recommendations.

I gather from the speeches of the hon. members on the other side of Council

[Mr. Rennie]

that the general feeling is that there is no great necessity, especially in view of the assurance that I have given in respect of paragraph 116 of the Standing Finance Committee Report, to have a select committee on the Police Terms of Service Report, and with your leave, Sir, and with the leave of Council, I beg to withdraw the motion standing in my name.

COL. KIRKWOOD: On a point of order, I asked the hon. Chief Secretary to give two assurances: one as regards paragraph 116 of the Standing Finance Committee Report which he has given; and I also asked for an assurance that paragraph 32 of the Report of the Committee on Police Terms of Service would be accepted and that the money would be supplied by special warrant. He has not referred to my second request, because I coupled that with the opinion that unless that was forthcoming I would press for a select committee. If an assurance is given that paragraph 32 will be implemented in the way I have stated, then I am not pressing for a select committee.

MR. RENNIE: With your permission, Sir, I will make a second speech to cover that point. I apologize to the hon. member for not dealing with that point. I had every intention of doing so but unfortunately mislaid the paper on which I had a note of the point before I rose to my feet. As far as paragraph 32 is concerned, that recommendation is one of those that have been accepted by the Standing Finance Committee, and Government has agreed with the Standing Finance Committee's recommendation. The particular point whether or not there are funds in the 1943 Estimates as now before Council is really immaterial since, if there are no funds to cover this particular recommendation with retrospective effect from the 1st January, 1942, funds will be provided by special warrant in 1943.

HIS EXCELLENCY: In view of the statement just made by the hon. Chief Secretary, I take it it is the general view of the house that this motion should be by leave withdrawn.

The motion was by leave withdrawn.

PALM WINE BILL

SECOND READING

MR. BROWN: Your Excellency, I beg to move that the Palm Wine Bill be read a second time.

This bill comes before Council at the request of the coast administrative authorities and the Coast Advisory Committee for two reasons; firstly because they are impressed by the extent to which native drunkenness has increased in recent years and, secondly, because they are concerned at the extent to which under the existing system of control palm trees are being tapped and a valuable asset is being wasted. The Native Liquor Ordinance prohibits the tapping of palm trees without a licence. But if a person has a licence, he may cut any species of palm tree and he may cut any number of palm trees within the area which is covered by this licence. There are three features of this bill. The first is to prohibit absolutely the tapping of any species of palm tree except the coco-nut, which may be tapped under licence. The second is to empower the licensing authority to specify in the licence the number of coco-nut trees which the licensee may tap, and the third is that it requires the licensing authority to mark the coco-nut trees which the licensee has been licensed to tap. There are 15 clauses in this bill of which nine are similar to or identical with the corresponding provisions of the Native Liquor Ordinance. From a drafting point of view one might have had an amendment to the Native Liquor Ordinance, but it was thought that as the manufacture of palm wine is peculiar to the coast, and as an amendment of the Native Liquor Ordinance might make it confusing to those who had to administer that Ordinance it would be better to have a separate bill.

The important clauses of the bill are clauses 4, 6 and 11. By clause 4 no person may tap a coco-nut tree unless he holds a licence and by sub-clause (2) of that clause a licence may specify the number of coco-nut trees which may be tapped. By sub-clause (3) the owner of the tree must also have a licence to permit the tapping of it, and unless the owner of the tree has a licence to permit the tapping of it, that tree cannot be included in any licence to tap. By clause 6 every tree which may be tapped

[Mr. Brown]

under a licence must be marked and the licensee is responsible for seeing that the mark is not removed. By clause 11 the tapping of any palm tree other than a coco-nut tree is prohibited and by paragraph (b) distilling from palm wine is prohibited. Hon. members have had notice of two amendments which I propose to move in the committee stage. The first is the definition of palm wine in clause 3 which will make that definition read as follows:—"palm wine" means fermented or unfermented juice drawn from any palm tree and includes what is commonly known as *tembo tamu* and *tembo kali*. The other is an amendment to clause 11, paragraph (b) which will make that paragraph read: "No person shall distil any intoxicating liquor from palm wine". The bill applies only to those districts which are set out in the schedule which may be varied by notice in the Gazette. It does not apply to Mombasa because there the manufacture and sale of palm wine is adequately controlled by contract. The provisions of the Native Liquor Ordinance so far as it relates to palm wine have necessarily been suspended so far as the districts to which this bill applies are concerned.

MR. HARRAGIN seconded.

COL. GROGAN: Your Excellency, when this bill first appeared it was quite obviously incoherent twaddle and nothing else, and it is an interesting example of the way in which these bills are prepared now; it also indicates how little is known about Africa by the people who prepare them and the people who advise the people who prepare them. The amendments, copies of which have been provided to-day, produce a little bit of coherence, but where the muddle comes is that this was obviously a bill primarily to protect coco-nuts—or meant to be—or to limit drunkenness, as the case may be. That was a comprehensible intention, but the people who drafted the bill are evidently ignorant of the main conditions of Africa, namely, that palm wine as consumed by the African native is only drawn to a very small extent from the coco-nut. There is another palm which perhaps some of you may not have heard of, called the Doum palm, which extends over an infinitely wider area even in the coastal districts than

the coco-nut. Thus, as I say, a little coherence has been brought by these amendments, but they do not go quite far enough, and I consider that clause 11 (a) should be completely deleted. What conceivable logic or sense is there in making a native liable to a £70 fine or six months imprisonment because he has tapped a Doum palm in the ordinary way of clearing land—which is going on at the present time on a large scale around Taveta, incidentally—I see no point in retaining it at all.

In support of that I would draw the attention of the Council to the fact that some little time ago a small island in the Southern Pacific, called Nauru, which was the subject of much discussion in the Peace Conference, was eventually entrusted to Australia to operate on behalf of New Zealand, South Africa and Australia. The whole of that phosphate industry was run direct by Government control, being free of all observation by outside parties, and the bureaucrats concerned came to the conclusion that the natives were not working nearly hard enough, and they thought the best way to induce them to work a little harder was to take their native drink away, which they did by legislation. The result was that the natives immediately began to suffer from deficiency disease as a result of lack of the vitamins inherent in that very excellent beverage, palm wine. You do want to be careful in this legislation because the average native is not awfully well fed; we are told by one department that he suffers from all sorts of deficiencies, whereas another lot of gentlemen try to take away from them one of the finest sources of vitamins that he gets in the ordinary way. I cannot see any point whatsoever in the retention of clause 11 (a).

MR. COOKE: Your Excellency, while supporting the hon. member in this attempt to restrict tapping, I support what the hon. Member for Ukamba said about clause 11. I think it is going rather too far to prevent people from tapping the Doum palm tree because, as the hon. member has said, and I have read the same thing myself, it is absolutely necessary for the diet of certain natives. And those people living in the interior and the back part of Kilifi are not addicted to the same amount of drunkenness as

[Mr. Cooke]

the town- or village-living Swahili. In the old days only old men drank toddy for there was sufficient tribal sanction to restrict the younger men and there was not so much drunkenness, but now that the sanctions have been loosened there is a great deal of drunkenness, and I support the recommendations about the coco-nuts. In the outlying parts, however, sanctions still obtain and there is not so much drunkenness among the younger men, and I think it is altogether going too far to prevent the old men tapping these Doum palm trees.

MR. MONTGOMERY: Your Excellency, I am in general agreement with the bill, which incidentally is like the old one with the addition of clause six which is different altogether. But what I am doubtful about is whether it will have a better effect than the existing legislation, and I should like to hear from the hon. Provincial Commissioner of the Coast Province how this clause six will operate. I believe it is done in Ceylon, but conditions are different out here. I believe that between Vanga and Kiunga there must be many million coco-nut palms, and I imagine that about ten per cent are tapped. It is easy enough to wander through a plantation and to see those trees which are being tapped, but it is difficult to deal with them over the whole of the coast area, and we should want a large army of inspectors for the purpose. In the bill I see that there is a reference to the fact that no expenditure of public money is involved, but if we are to operate clause six there must be very great expense because there is going to be a terrific amount of work to enforce that particular clause. The existing legislation has never been properly enforced because of that provision and lack of co-operation among the people concerned, and if this is now going to mean a large inspectorate I suggest that the bill pass its second reading and the matter be left in abeyance until the end of the war.

MR. HODGE: Your Excellency, the hon. Members for Ukamba and the Coast have raised the question of tapping Doum palm trees. This matter was very seriously considered by a sub-committee of the Coast Advisory Committee on Agriculture, and it was felt

that this tapping should be entirely prohibited as the liquor obtained from Doum palms was said to be of a much more potent quality than that obtained from the ordinary coco-nut tree. The hon. member representing native interests (Mr. Montgomery) has raised the question of supervision when this bill becomes law. I admit that it is going to be extremely difficult, especially at the present time while the war is on. Supervision will, however, have to be started by means of tembo supervisors and these will be paid out of local native council funds. I should like to add that before the bill was drafted it did receive very careful consideration for quite a long period from the members of this sub-committee, and it is not a case of fools rushing in where former angels of the coast feared to tread!

MR. BROWN: Your Excellency, the hon. Member for Ukamba has said that it was obvious that this bill was primarily intended to protect the coco-nut trees. I think I made it clear that there was no primary about it. There are two reasons: one, because of the greatly increased drunkenness, and the other is to preserve the trees. Three hon. members who have spoken against the bill have referred to clause eleven and objected to the prohibition of the tapping of Doum palms. As the hon. Provincial Commissioner of the Coast explained, that did receive most careful consideration by a sub-committee which sat at the coast. The hon. Member for the Coast has told us of those people who tap the Doum palms and that there is less drunkenness among them than anybody else. That may be a virtue among the inhabitants, or it may be a lack of virtue in the Doum palms; I do not know, but this sub-committee was of the opinion that the Doum palm produced a most potent liquor.

The question was put and carried.

MR. HARRAGIN: moved that the bill be referred to a select committee comprising: Mr. Brown, chairman; Mr. Hosking, Dr. Paterson, Mr. Hodge, Col. Grogan, Mr. Cooke, Mr. Patel, and Mr. Soud bin Ali.

MR. BROWN seconded.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Monday, 14th December, 1942.

Monday, 14th December, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Monday, 14th December, 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 9th December, 1942, were confirmed.

PAPERS LAID—NOTICE OF MOTION

MR. RENNIE laid on the table the Standing Finance Committee report on Schedule of Additional Provision No. 3 of 1942, and gave notice to move the adoption of the report at a later stage.

ORAL ANSWERS TO QUESTIONS**No. 73—GHEE PRODUCTION**

MR. KASIM:

(a) Is Government aware that there is an acute shortage of ghee in the Colony?

(b) If the reply is in the affirmative would Government consider duty free importation of ghee from Indian or other sources by suspending duty, suspended duty, and surcharge which work out at ninety cents per pound, until such time as production increases?

(c) Is it a fact that a few years ago during the wheat shortage in the Colony free importation of a large quantity of wheat was allowed from overseas?

(d) If the reply is in the affirmative, would Government consider suspending duty on ghee on the same principle as was allowed for wheat?

MR. TESTER: (a) The answer is in the affirmative.

(b) The Government will consider making refunds in connexion with import duties which may be paid on ghee imported from any source in the future so long as the shortage in locally made ghee exists and will approach the Tanganyika and Uganda Governments in this connexion.

(c) The import duties paid on wheat were refunded when import of wheat was allowed during a local wheat shortage.

(d) The hon. member is referred to the terms of the answer to (b) above.

No. 80—SCHOOL BUILDINGS.

COL. KIRKWOOD:

Will Government please state what action has been taken with regard to the recommendations of the Advisory Council on European Education held on 25th July, 1942, with special reference to Schedule I attached hereto:

Schedule I

European Education: Capital Expenditure of Schools

School	Capital Expenditure on building and Permanent Equipment	Year in which Expenditure is Required
Prince of Wales	£20,200	1942
Kenya High School	£52,500	1942-3
Primary School, Nanyuki	£31,200	1943
Primary School, Nairobi	£10,450	1944
Modern School, Nairobi	£ 7,500	1944

MR. LACEY: The hon. member will appreciate that, owing to the shortage of building materials and artisans, it is not possible to undertake any large scale building programme at present. On the recommendation of the Standing Finance Committee, the sum of £5,000 has been inserted in the 1943 Estimates to enable a start to be made on a new boarding block and ancillary buildings at the Prince of Wales School. The question of constructing the other buildings referred to by the hon. member will receive consideration in due course.

COL. KIRKWOOD: May I ask that, should finance make it possible, and building material and labour be available, Schedule I will be advanced?

MR. LACEY: I shall require notice of that question.

No. 83—RESIDENT LABOURERS ORDINANCE 1937

MR. KASIM:

Would Government please state if it is a fact that the provisions of Ordinance XXX of 1937 (Resident Labour) do not apply to areas outside the White Highlands? If the answer is in the affirmative is it correct that farmers living outside the White Highlands are prohibited from employing resident labourers? If it is not the intention of Government to prohibit such labour being employed outside the White Highlands under what law can the agreements be made there?

MR. RENNIE: (a) The answer to the first part of the question is in the affirmative.

(b) It is not correct that farmers living outside the White Highlands are prohibited from employing labourers who, with their wives and families, may reside on the farm by mutual agreement. The Resident Labourers Ordinance, 1937, would not apply in such cases.

(c) These agreements are made under the ordinary law of contract.

No. 86—GHEE PRODUCTION

MR. KASIM:

Is it a fact that there are about 4,000,000 head of cattle owned by Africans in the native reserves? Is it a fact that in spite of a huge number of live stock in the Colony there is an acute shortage of ghee in the country, with the result that the Colony has to import ghee from the neighbouring territory of Tanganyika and other sources to meet the requirements of this Colony? If the reply is in the affirmative, would Government please encourage increased ghee production in the native reserves on a large scale to ease the shortage in the Colony?

MR. DAUBNEY: The answer to the first part of the question is in the affirmative. As regards the second part, it is admitted that ghee is in short supply and has been regularly imported from Tanganyika for many years.

It is the Government policy to encourage ghee production in all native

areas. Unfortunately grazing and water conditions in most of the pastoral areas do not permit of regular supplies of milk to field dairies and it must be remembered that the pastoral tribes depend on their stock products for their existence. The necessity for the retention of dairy products in the pastoral areas and some of the agricultural areas is accentuated by the greatly increased number of beef animals exported from those areas as a war measure.

Veterinary officers have been instructed to do all they can to increase supplies of ghee.

No. 88—ARAB AND AFRICAN TERMS OF SERVICE

MR. COOKE:

With reference to the report of the Committee on Arab and African Terms of Service which was submitted eighteen months ago, will Government state: (a) which recommendations have been accepted? (b) which have been rejected? (c) which are still "under consideration?"

2. In view of the long delay and the anxiety of the Civil Servants concerned, will Government give immediate effect to the recommendations which have been accepted and expedite consideration of those not yet accepted?

MR. RENNIE: The recommendations in the Report of the Arab and African Terms of Service Committee have been accepted by the Government, subject to the following variations:—

(1) The Government has accepted the recommendation in paragraph eight of the report that an African Civil Service Board should be established, but with slightly different personnel and terms of reference from those recommended in the report.

(2) While the principle of the establishment of a provident fund recommended in paragraph eleven of the report has been accepted, and the necessary legislation to provide for its creation will be submitted to this Council in due course, the question of the award of annuities will be reviewed in the light of the advice of the Government Actuary to whom the matter has been referred.

[Mr. Rennie]

(3) The recommendations in paragraph twelve of the report were the subject of discussions between the Government and the Committee and as a result the Government has decided that free housing, or a housing allowance in lieu at the rate of fifteen per cent of the initial salary of the relevant scale, should be provided only for members of the Service who hold appointments on Salary Scales A and B, and that holders of posts on Scales C, D and E should be given consolidated salaries on the following revised scales (which have been recommended by the Committee in a supplementary report):—

Scale C: Sh. 105 x 5—135 x 7/50—165 p.m. with an efficiency bar at Sh. 135;

Scale D: Sh. 170 x 10—220 x 12/50—320 p.m. with an efficiency bar at Sh. 220;

Scale E: Sh. 325 x 20—425 x 20—525 p.m. with an efficiency bar at Sh. 425.

The Government has also decided, on the recommendation of the Committee, that the holders of such posts, if occupying Government quarters, should be required to pay rent at the rate of Sh. 15, Sh. 20 and Sh. 25 per mensem respectively (according to the relevant scale) or at the rate of seven per cent per annum of the capital value of the quarters, whichever is the less.

(4) After consultation with the Committee the Government has decided, as regards the recommendation in paragraph seventeen of the report, that, as a general rule, the probationary period should be one of three years, but where departmental training is necessary, the probationary period may be extended for at least one year after the training is complete.

(5) The recommendations reflected in the draft Regulations appended to the report will be referred to the African Civil Service Board, when formed, for consideration.

2. It is hoped that the new Service will be inaugurated with effect from the 1st of January, 1943, and with this end in view the necessary financial provision is being made in the 1943 Esti-

mates on the recommendation of the Standing Finance Committee.

MR. COOKE: Will Government consider putting one or two Africans on the proposed board?

MR. RENNIE: That is a matter that will require consideration.

No. 89—REQUISITIONING PROCEDURE

MR. COOKE:

With reference to Part IV of the Defence Regulations, will Government give the assurance that before a requisitioning Order is issued the Supply Board is fully satisfied that the purpose for which the order is required is "necessary in the interests of defence or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community?"

2. And before any such order is signed, does the Supply Board always get in touch with the person whose house or chattel it is proposed to requisition so that he may have an opportunity of stating his case?

3. Or does the Supply Board merely rely on the *ex parte* statement of the interested party making the application?

MR. RENNIE: 1. The answer is in the affirmative.

2. The procedure followed, except in cases of urgency or where the owner is difficult to trace is that the person whose premises it is desired to requisition is informed of the fact by the person who intends to apply for a requisition order. If, when the application for the order is received, it is not stated that no objection has been made or if further representations are deemed advisable the Supply Board gets in touch with the person whose premises it is proposed to requisition before an order is issued.

Where it is proposed to requisition Chattels, representations are not always obtained from the person whose chattel it is proposed to requisition prior to the issue of the requisitioning order but, if they are not so obtained, representations made after the issue of the order are considered and the order is withdrawn if a good case is made out.

[Mr. Rennie]

3. No, Sir. A requisition order is only made and enforced after the fullest consideration of all factors involved including as explained in the answer to (2), the representations of the person or persons directly affected.

No. 90—LAND ACQUISITION

MR. COOKE:

With reference to Government Notices Nos. 1019 and 1020 of 1942, will Government state whether before a decision was made to acquire the lands in question full investigation as to the necessity for the acquisition was held?

2. If the answer is in the affirmative, will Government state who made the investigation?

3. If the answer is in the negative, was the decision reached merely on the application of the interested party?

4. If the answer to three is in the affirmative, can Government reconcile this attitude with its moral obligation as trustee of the natives and with its treaty obligations to the Sultan of Zanzibar?

MR. MORTIMER: I will answer the first three parts of the question together. The Government was requested to acquire the land in question by the Air Ministry representative as a matter of urgency for the safety of the aircraft concerned, after investigation by the Royal Air Force Authorities who certified that the land was necessary to conform with the Air Ministry's specification for the vertical clearance angle essential for the safety of modern aircraft. The Government accepted that certificate.

4. The Government is fully alive to the hardship caused to the occupants of the land in question and every endeavour will be made to compensate them by the provision of alternative land rather than by a payment in cash. The reference to this Government's treaty obligations with the Sultan of Zanzibar is not understood.

K.U.R. & H. ESTIMATES

MR. ROBINSON: Your Excellency, I should like with your permission to move the three motions standing in my

name as one: that the Second Supplementary Estimates, K.U.R. & H., 1941, the First Supplementary Estimates, 1942, and the Estimates of Revenue and Expenditure for 1943 be adopted.

I have no particular comments on the Second Supplementary Estimates for 1941, which consists mainly of accountancy adjustments. As regards the First Supplementary Estimates, 1942, there is one innovation in these estimates. I consider that in our pre-occupation with the present we must not forget the future. We none of us know what is going to happen at the end of this war. We all hope that it is going to be a better world than before, and that somehow or other the spectre of mass unemployment will be banished. But pious hopes are not enough, nor is it enough to hope that someone else will solve our difficulties for us. We must try and help ourselves, and if we show some attempt to help ourselves perhaps we shall more easily persuade other people to do a bit. I am not going to repeat the old cliché. You will, however, see that I have included an allocation to a fund which, for want of a better name, I have called "The War Time Emergency Fund." I have no idea yet how it should be spent, but it should be a fluid fund. It must be remembered that it is the money belonging to the users of the Administration's services, it is not my money, and it will be for them to say exactly how it should be spent when the time comes. That they will be able to do through the Railway Advisory Council and the Harbour Advisory Board, but I should be failing in my duty if I did not tell you that I think that such a fund is absolutely essential. The Administration is not in the same position as a private trader who, after the war, hopes to get more goods to sell than he was able to get during the war. With the withdrawal of the Navy, Army and R.A.F. the Administration is almost bound to experience a greater fall in traffic than can be immediately met by the economic development of the territories which it serves, and that much hoped for development could be seriously retarded if for financial reasons the Administration had to embark on a serious retrenchment

[Mr. Robins]

programme with all the misery caused thereby. Circumstances might be such that it will be necessary to call on the fund before the end of the war in order to meet existing difficulties or to make arrangements in advance for post-war problems. I have tried to show that by this provision I am not forgetting the future in all the cares for the present, and I hope I have convinced the Council of the wisdom of supporting my view.

I do not at this stage propose to analyse the figures in the Draft Estimates for 1943. Copies have been supplied to hon. members together with the explanatory memorandum, and I hope at a later stage to be able to answer any questions hon. members may ask me. At this stage I want to make it clear what we are trying to do. Before I deal with the Estimates, there is one point I should like to make. The Administration has recently been experiencing serious labour troubles. This is mainly due to war conditions, difficulties over the supply of food and clothing, and the general inability of Africans to realize that an increase in money wages will not overcome the difficulties of short supply, and it is also partly due to the general feeling that there was some delay in dealing with the situation. As a consequence of the troubles, a tribunal was appointed to make awards which were binding on the Administration and its employees. The financial effect of these awards has not been fully calculated and no amount is included in these Draft Estimates, so that there is a definite commitment over and above the working expenses which has to be dealt with by supplementary estimates, and this may affect the provisional allocations shown on page three.

I will now turn to the Estimates as drafted. It has been said that the Administration is rather too much concerned with debits and credits and that not enough consideration is given to the formulation of a war time policy. Unfortunately, in this imperfect world in which we live, it is necessary to spend a lot of time and consideration on questions of finance, but that does not necessarily mean that the Administration has

not formulated a war-time policy. In a recent order of the day Mr. Stalin addressed the railway workers in the U.S.S.R. in the following terms: "Organize the speedier movements of trains. Strive for uninterrupted efficiency on the railway lines." That message, together with the injunction not to do too little and not to be too late in doing it, really sums up the war-time policy of the K. U. R. & H. All our efforts are being directed towards efficient operation, more efficient operation, and yet more efficient operation, and everything else must give way to this requirement. In America it is said that this is a war of transportation and that the nations which can organize the most efficient and rapid movement will be the victorious nations. We learn from the technical Press that one of the mistakes made by Hitler was in regard to transportation, that he put too much reliance on road transport and did not do enough to organize other forms of transport, including rail transport. The figures in these Draft Estimates represent our attempt to be ready for all the demands which may be made on the rail transportation system in the coming year consistent with reducing the demands made on the manufacturing resources of the Allies to a minimum. There has from time to time been criticism of the financial policy of the Administration, but I think that our sternest critics are now convinced that the careful and prudent policy followed in peace time has been fully justified. It has enabled us to place an order for rolling stock to the value of three quarters of a million pounds and to provide funds for building two berths at Mombasa without having to argue where the money was to come from, thus saving time, the most precious of all assets in war-time. In that connexion I am very pleased to be able to tell Council that advice has been received that seven large Garratt engines will be delivered at the works in England in January next, and a reasonable anticipation is that the first of the new berths will be available for use before the end of 1943. No definite information has yet been received of the delivery dates of the goods rolling stock now on order.

[Mr. Robins]

That brings me to the question of passenger traffic. I do not wish to bore members with a lot of figures but, quite apart from the naval and military demands, the number of passengers carried in the first and second class was four times as great as in the year before the war but there has been no increase in the number of berths available. The number of third class passengers has more than doubled in the same period with only a very slight increase in the number of third class coaches. We have been advised that it would be detrimental to the war effort to divert the manufacturing resources of the Allies to the construction of additional passenger rolling stock. I can therefore only ask for the forbearance and co-operation of the public, and I would be very glad if all intending passengers would ask themselves this question: "Is my journey really essential?" If members of the public must travel, they will have to put up with a lower standard of comfort than that to which they have been accustomed, and I would ask them to regard it in the light of a war sacrifice and to remember that it is not for want of good will on the part of the Administration but just sheer physical inability to provide anything better. The Administration will make every effort to improve the situation as soon as possible after the war. The Administration also seeks the co-operation of the public in connexion with the movement of goods traffic. As I mentioned earlier, a large order has been placed for additional goods rolling stock, but in view of the tremendous requirements of the armed forces for munitions and modern mechanical equipment we did not order sufficient equipment to deal with the anticipated increase. We decided that we were justified in relying to some extent on our own further improvements in operating efficiency and on the co-operation of the public. The staff of the Administration has done well, and I am convinced that they are going to do still better, and an extra effort will be required when we know that additional rolling stock will not be available in this country to deal with the intensive crop season which starts now and continues until next May. We have

done everything we can to meet this situation. Old wagons written off because it was uneconomical in peace time to repair them have now been repaired regardless of cost; the only criterion was: can they be used to carry something? Hon. members may ask, how can the public help? I will say to them: "Do not use rail transport wastefully; get your requirements if you can from the nearest place; do not indulge in cross movements; hand your traffic to us if you can in wagon loads; if you can get another ton or two into the wagon without overloading try and do so. We have got to try and make each wagon do the work of two. Finally, load and off-load your wagons in the shortest possible time. Every wagon we have spends on an average twenty-one hours a day without moving. If that time could be reduced by a third or quarter it would be equivalent to buying hundreds of new wagons and very much cheaper, and would enable our generals to have more tanks. I know it is not easy when you are restricted in your road transport and distances from stations in some cases are considerable and postal communications are difficult, but with goodwill I am sure that quite a lot can be done.

Hon. members also know that arrangements have been made to seek the co-operation of the Tanganyika Railways by using such spare capacity as is available there. It may upset the regular trade channels, and the help they can give us is limited by geographical considerations. They also have their difficulties, but should it be necessary to divert traffic to their system and should it prove inconvenient to some, I would ask them to bear with us, and remember that it is preferable to suffer some inconvenience than to ask our generals to do without some equipment to provide us with more wagons, tugs and lighters and additional port equipment at Kilindini. I would also mention that if we have to divert this traffic the Administration will be making a considerable financial sacrifice, as it is proposed that the rates to be charged shall be the same as the rates charged to Mombasa, but most of the revenue will, of course, go to the Tanganyika Railways.

[Mr. Robins]

Hon. members will notice in the Draft Estimates and the explanatory memorandum, that there is a considerable increase in the working expenditure of both railways and harbours. Hon. members will see the figures for themselves, so I will not quote them, and those with business experience will not want me to tell them that the costs of all materials are increasing and that we cannot always buy in the markets to which we have been accustomed. They will also be aware that we must have fuel, and we have had to buy expensive fuel to safeguard our position. In fact, most things, except the railway goods rates, have increased; we have increased the services but not our charges. We are, in fact, ignoring the conditions applied to some of our very low rates, which stipulated that the traffic should only be carried at these low rates as wagoons were available. Nowadays we are carrying such traffic to fit in with shipping facilities, and at times we give those commodities priorities above the higher rated traffic. The only question we put to ourselves is, which is the commodity most urgently required to assist in achieving victory? Hon. members will also have noticed that there is a considerable increase in staff costs in the Transportation Department. If we are to be prepared we must engage new staff when we can; it is no use waiting until the traffic is on us. We have got to do it now, and you will remember the parable of the foolish virgins.

Before I conclude I should like to pay a tribute to the working of the Railway Advisory Council and the Harbour Advisory Board. Their encouragement and advice is of the greatest assistance to me in the onerous duties I am now called on to perform, and I think the people of this country are in their debt for having assisted in building up such a solid transportation system able to meet the most exacting demands. I must also pay a very well deserved tribute to the officers and staff of the Administration who have so loyally answered all the calls made on them. I am proud to be the head of such a service, and without their help all my efforts would be of no avail. In my opinion, this is a courageous budget showing that we are

preparing ourselves to meet whatever may come, and that while in the past we have not been extravagant we have put our duty before financial considerations. I would remind hon. members that they are Estimates only but that whatever may come we will try to stand ready and prepared. I commend these Draft Estimates to your consideration.

MR. HARRAGIN seconded.

HIS EXCELLENCY: As the hon. General Manager is aware, it is contrary to our usual practice to treat all these Estimates in an omnibus motion, but if hon. members agree it will probably suit their convenience if we debate them as one and I will at the conclusion of the debate put each motion separately.

MR. WRIGHT: Your Excellency, in respect of the last question I am sorry to say that I cannot answer until I have consulted my colleagues on this side of Council. It is an alteration in practice that a debate on this issue should be done in an omnibus fashion and it may be that there are a great many points arising out of the three separate documents.

HIS EXCELLENCY: I do not wish to interrupt the hon. member, but I think it is important that we should get agreement on this at this stage, because I am perfectly willing that we should proceed in the ordinary way if that is the wish of Council.

MR. WRIGHT: I have simply stated that I cannot speak on behalf of hon. members.

LORD FRANCIS SCOTT: Is it suggested that there should be one debate but that the three motions should be put separately?

HIS EXCELLENCY: That is my suggestion, if that is agreeable to hon. members.

MR. WRIGHT: That is acceptable, Sir. Until a minute ago I had not intended taking part in this at all because I am in the anomalous position of being a member of the Railway Advisory Council, though a very new and inexperienced one. I am told, however, that as Chairman of the European

[Mr. Wright]

Elected Members I should open the discussion on this side, though not very well prepared to do so. There is only one point in the charming little homily given by the hon. General Manager that impressed me, and that is his wish to have that happy post-war world ensured by the evidence of goodwill and the need for war sacrifices. I want just in passing to say, Sir, that, while a new member of the Railway Advisory Council, I have been rather shaken lately at certain incidents, one of which he referred to: labour troubles. I do contend that the Administration should have known more about that before it actually happened (Hear, hear) and I also suggest that it should have been a topic of discussion in Railway Advisory Council itself. Another one, which has happily been solved in recent times, was not the best or happiest illustration of the goodwill of which the Administration boasts. That was the action in respect of rail journeys for school children. As a member of that Advisory Council I was inundated with telegrams and letters; all unnecessary, as when I interviewed the hon. General Manager I realized at once that it was but a cockshy put up as a means of reducing by all means possible the amount of railway traffic. He gave me a very strong assurance that the children would be the last and not, as was generally supposed, the first to suffer; that in fact similar appeals had been made to military departments who had responded very well indeed, so well in fact that he thought the threat of reducing the rail journeys of school children would not occur for some time to come. I hope in his reply, Sir, that he will repeat that assurance.

One other matter—a small one—is that just the other day we were presented with a note, as members, to the effect that we should relinquish card passes on the Railway and take vouchers in their place. As an economy it is perhaps commendable, but a further addition withdrew the right of members to travel on the Lake or into Uganda. I suggest that that is an arbitrary action and would summarily withdraw a privilege to which we have for years been

entitled, and I hope the General Manager will give good reason for the proposal which I hope in time will be withdrawn. I even suggest to him that as a member of Railway Advisory Council and having soon to go to Uganda, the presumption is that I shall not have to pay for my own rail ticket. If that be so, then I contend that every member on this side of Council—whether he is a member of Railway Advisory Council or not—should retain the time old rights and privileges that have been ours.

MR. VINCENT: Your Excellency, I was a member of the Tribunal which sat to consider the labour trouble which had arisen in the Railway Administration, and it appears to me that this occurrence made a very certain and a very strong case for the appointment of a welfare officer for Railway labour. It is essential that the Railway should have an officer, whatever you may call him—I do not mind, a welfare officer, liaison officer—but some officer who is directly responsible for the trend of opinion among the labour to be given to the General Manager of the Railways. I think Government must have recognised that the Railway labour is an index to the whole country. It is a very difficult form of labour because it covers so many branches, from technical men down to the ordinary labourer whose duties even then are different from those of the ordinary agricultural labourer. The hon. General Manager has mentioned that the present estimates before us do not cover the additional expenditure which will arise from the award of the Tribunal and I would also ask him also to consider very seriously the appointment of this labour officer as early as possible. It was not clear to me whether the Railway looked to the Government to keep their labour in order or to keep them properly advised or not, but I do consider it is the duty of the Railway Administration to know their employees and to know their conditions.

It has been amply demonstrated that the Railway were totally unaware even of the escapades of their own shops in their own landies selling to their own labour. The Tribunal found it necessary to ask questions of the witnesses

[Mr. Vincent] regarding this, and very properly came to the decision that the boys were being robbed and, since then, cases which have been brought as a result of the Tribunal against one of the operators of the landies shops have certainly confirmed the thought that we had in our minds as recently one principal and his employee were fined to the extent of £25, and I believe another case is pending against the other landie shop principal. We cannot emphasize this point too much: we must look to the Railway not only to be aware of the trend of opinion of their own labour but also of other similar bodies in the country. The liaison work of this officer is going to be of vital importance to this country.

From the economic point of view I dare to make this suggestion, that had this officer existed before the strikes it is very likely that any addition to the estimates would have been entirely unnecessary, because had those boys been able to purchase their goods at the right prices and had the whole picture been handled from its inception promptly, any addition to the wages they had before would not have had to be given them as the strikes would not have arisen, at least not in Nairobi—I am not referring to Mombasa because I was not down there. I do think that we must clarify the position and fix the responsibility as between the Railway Administration, the Labour Office, and the Chief Native Commissioner. We must know who is responsible for handling the labour and responsible for the welfare of the Railway labour. I am certain there is no need for me to emphasize again that I consider it a very definite duty of Government to safeguard the labour of the whole country by intelligent anticipation and continual supervision.

MRS. WATKINS: Your Excellency, I should like to endorse the remarks of the hon. Member for Nairobi South. I was going to say something very much on the same lines, but with less information at my hand, because I feel very strongly that when we are told as farmers all the sorts of things we ought to do for our natives—and some of us are extraordinarily hard-up and find great difficulty in doing them—and then find

great Government departments with enormous funds behind them not doing those things it makes us feel very dissatisfied and very disgruntled. I do think there is an enormous task in front of the Railway. One other point was referred to by the hon. Member for Aberdare, and I am very glad to hear him say that the children are not going to be curtailed in their railway journeys to and from school, I was inundated from all over the constituency and from outside the constituency with letters on that score. The hon. General Manager said that in the preoccupation of the present we must not forget the future. It seems to me he was rather forgetting the future when he was curtailing our children's holidays, or arranging them in such a way that they were less beneficial. I think if it came to it we would far sooner accept a rationing of our own travelling, or perhaps a certificate of urgency for our travelling. We would far sooner have that than we would see our children curtailed in that way. The hon. General Manager asked for forbearance with the inconveniences we might suffer on the Railway. I think we can assure him that we will very readily give that to him as long as we realize that it is really a physical difficulty that he is up against and not a mental disability to see things through the eyes of people really at war.

This brings me to one question that I raised the other day, and that is the matter of these special coaches. We are told by the hon. General Manager that tanks and guns are urgently needed by the Allies. Well, I think we all know that; we agree with him, we endorse it, and then we say, "What about these special coaches?" We are quite certain that Your Excellency will be the very first to want to travel in a first-class carriage instead of in a special coach, and so will all the other Government officials if they are asked to for the sake of guns and tanks. There is no question that they do not want to, but it seems to me that it is the Railway which does not want them to do it, and that I think is a pity. I am surprised at one thing, and that is that the General Manager says he cannot convert these coaches for general use. If

[Mrs. Watkins] he likes to hand them over to the Women's League I think we could convert them for the children perfectly happily. We simply want a few extra camp beds put in for night travel, or something in that line, and we could perfectly well use these coaches for our families and for the women and children, without any difficulty whatsoever, and we could pack a great many people into them. If it is really a matter of saving every bit of shipping, and I believe it is of course, and there is a resultant shortage of railway rolling stock, I cannot see any reason why we should still have dining cars. Perhaps I am saying something that might be considered *lese majeste*, I do not know, but I do not consider that the extra comfort of any of us folk here is worth all the extra rolling stock incurred by the use of dining cars and special coaches, and it seems to me that a lunch basket or a dinner basket in war-time is good enough. The old kikapu could come in quite handy with some sandwiches and a bottle of beer or something of that sort. But it does seem to me that we should never have all this luxury rolling stock at a time like this. I must say that when we are asked to give forbearance to the Railway we say we will do so for their very real difficulties, but we do hope the hon. General Manager is going to make use of these special coaches and the dining cars so as to increase the ordinary rolling stock.

I am again going to refer for one moment to the natives travelling. It was endorsed the other day by another member of this Council. Natives travel to and from work very often in a manner exposed to the elements, and with the swiftly changing climate of Kenya the effect on their health is extremely bad. Since I spoke in this Council there have been many letters to me about it and in one or two letters it was pointed out that boys travel on the top of fuel trains far into the night, I do not say all night, but up to 11 or 12 o'clock at night, on fuel trains in all weathers. I have not seen this myself, but I do submit that that is not the way to get rid of our labour troubles; it is a thing we have to do away with. The

General Manager assured us in this Council that tarpaulins are dangerous. I have never found that, I daresay they are dangerous on a swiftly moving train, but I am certain that some kind of covering other than macintoshes can be found for our labourers. There is one other point about native labour which I forgot to mention just now when on this subject, and that is in these difficult times with fuel and clothing and everything at very high prices, I do submit the Railway should do what quite a number of farmers are already doing and that is buying in blankets, saucapans and things like that, and selling them to the natives without any profit at all. That is one of the main ways of keeping labour content. If it is cutting out the ordinary traders I am sorry, but I think it is more important to keep the labourer content. As the hon. Member for Nairobi South said, labour is the keystone of the great war effort. To sum up. We want the labourer given the maximum consideration; we want to cut out luxury travelling, whether it be private coaches or whether it be dining coaches, and we do want to ensure that our children are not going to suffer in their holidays through railway shortages.

* MR. COOKE: Your Excellency, I was very disappointed with the hon. mover's speech, for in less than twenty minutes he dismissed matters which have been the subject of great controversy in this Colony during the past year. His predecessor used to give us the privilege of about three quarters of an hour explaining his policy, but the hon. mover has cut that down to about one third. He paid tribute to the staff, and it has been the custom of members on this side of Council to do the same thing for a number of years, but my impression now is that the staff has deteriorated both in courtesy and in efficiency, and I submit that the hon. General Manager cannot expect to have a loyal and efficient staff unless he also gives them loyalty. That applies both to the lower paid Arabs and to the Africans. The hon. member dismissed the labour troubles as if he had dealt with some kind of troublesome mosquito that had been stinging him and either swatted it or brushed it aside. I cannot allow that to pass. I

[Mr. Cooke] was a member of the committee that inquired into the troubles at Mombasa three years ago, and I have been a member of both the tribunals which sat recently, and I say without hesitation that the Railway Administration are to blame for the trouble that took place. The General Manager was warned by his own officers in Mombasa at the beginning of July that trouble was possible. He was also forwarded a petition, a well reasoned petition, by the African staff, and to that petition he replied in the language of a professor talking the jargon of economics to a class of students. The Africans asked for bread and all they got was a stone! And I do say that is a most provocative thing to do and a most unwise way to deal with people who had put up a reasoned petition. As usual, in this country, we hear the blame put on agitators. Of course, crops will not grow on unfertile soil and agitation will not flourish if conditions are not there. Somebody said that agitation is a symptom, not a cause, and certainly the cause of the agitation, if there was agitation, was the conditions of the railway labour. I personally do not think there was agitation, and I was very sorry to hear the hon. and noble lord, in what may be described as a very misleading and mischievous statement, indicating the other day that agitators came from Portuguese East Africa. I have inquired about it, and there is no evidence that I can find, or any truth in the matter, and even if it were a true statement it is very unwise to lull the fears of the people in this country who have now fortunately been wakened to the dangers of labour troubles, and it would be disastrous if people of this country should again become complacent and apathetic on this subject. It will be time to look for agitators when we have dealt with the legitimate grievances of native employees, and not before that.

It may be said that I am indulging in a certain amount of recrimination of my hon. friend, but I accept Churchill's verdict on that, which is "that the value of recrimination is that it ensures effective action in the future," and anything I say this morning is being said in that

light. I should like to agree heartily with what the hon. Member for Nairobi South said about the welfare officer. Throughout our discussions we found that the grievances of the people could not be presented to the proper quarters. Unfortunately, the welfare committee in Mombasa founded by General Rhodes, who was very keen on that sort of thing, was allowed to lapse, and if that committee had been functioning it possibly could have brought stronger pressure to bear on my hon. friend and these strikes would not have taken place. I think it is a very serious indictment of the Railway Administration that, under their very noses, in the railway landies black marketing was rife; and it should be realized that it was not the Railway Administration which discovered this—it was the tribunal by their investigations, and it was the tribunal which insisted that a full police investigation should be made. If black marketing can take place in the shops owned by the Railway, it is a symptom that things are not under very close supervision, and it is to the country's interest that they should be.

There were one or two points that I made when I was a member of the tribunal and which I jotted down. Of course, it was not the intention of the tribunal to make definite recommendations, we were there simply to try and settle the quarrels that had arisen, but we did say in one of our paragraphs that if so requested by Government we were prepared to furnish a full report of the proceedings together with our recommendations arising therefrom. I personally thought that Government would have jumped at such an offer and actually started myself writing a draft of three or four pages which the chairman of the tribunal now possesses. But it does seem to me a remarkable thing that, here were we in possession of the facts and willing to give them in order to help Government to avoid this sort of thing in future, yet Government has taken no notice of our offer, a symptom of the almost cynical attitude the Government of this country adopts towards this very grave problem. I also think a full inquiry should be made into the causes of this trouble. It was not our function to do that, but if some in-

[Mr. Cooke] inquiry were made certain facts would emerge which would prevent possible strikes in the future.

There was one important point which also emerged on which I have asked a question, but it has not been answered yet. I strongly hold that no occupation in this country should be made a reserved occupation unless and until the hon. and learned Attorney General is satisfied that the conditions both of work and pay in this occupation are all that can be desired. I think it is lapsing into slavery to say to men, "Look here, we are not satisfied that you are getting enough pay or that conditions are all right, but you have to work or be imprisoned." I do not see how that can be justified. People are inclined to put a lot of blame on the Africans for the attitude they took, at least some people are, but I submit that if they had not taken that attitude, which they were unfortunately driven to take, the matter would still be "under consideration" and those Africans still waiting for improvements in their conditions. I myself would not sign the tribunal's award in Nairobi because I did not agree with the award being made in kind, and the findings of the tribunal, I regret it is necessary to say, in my opinion were not founded on the evidence in front of us. My strong opinion is that the tribunal was in the position of a judicial, or almost judicial, court of inquiry, and was bound to try and make its findings according to the evidence. I hope Government will see if the matter of payments in kind can possibly be reconsidered and at any rate pay a certain amount of the award in cash.

I still return to the charge against the hon. General Manager that if more sympathy had been shown these strikes would not have arisen. I know my hon. friend prides himself on being a man who takes firm and strong action, but it is very easy to be firm and strong with people who have not very much opportunity of hitting back! But if my hon. friend had taken the same firm and strong attitude when present at meetings of the Railway Advisory Council, in that case I submit that these troubles would never have arisen. I am not

going to touch on any other points, I have kept the Council long enough and will sit down.

MR. COULDREY: Your Excellency, in speaking to this motion I propose to confine myself not so much to details of administration, because I consider that the details of administration are primarily and mainly the affair of the management and not of this Council, but more to the question of the Railway policy, which, in my opinion, should be primarily and mainly the affair of this Council and not of the management. Now if I heard the hon. General Manager correctly I think he said that the Railway financial policy had been fully justified by the war. I will go further and say that nothing—not even catastrophes of this nature—could possibly justify the Railway financial policy. The hon. General Manager has put before us in his Estimates what in a public utility company would be in the nature of a balance sheet, and of course it is financially a remarkably fine one. We have an asset worth on paper £23,000,000 and a replacement value probably very much more than that. It has six and a half millions in reserve, and the only figure on the other side of the ledger is a Loan Account of about fourteen millions—loans borrowed on long and on, comparatively speaking, favourable terms. That fine reserve position is all the more—I will not say commendable—but all the more noteworthy because it has been built up in a comparatively speaking short time. As everybody knows, in 1932 the Railway, like every other institution in the world, felt the effect of the world slump, and actually made a net loss on its working after paying for its depreciation and providing for its loan commitments. In fact at that time, if hon. members can remember, it was a matter of considerable concern both in this Council and outside whether Kenya and Uganda would not be called upon to make good their guarantees and make up the shortfall in loan commitments. Happily that did not eventuate and in 1935 the then General Manager of the Railway was able to start on his campaign of taking money out of revenue and capitalizing it for his betterment fund. I think it is

[Mr. Couldrey]

fair also to say that not only is the financial condition of the Railway excellent, but the running condition of the assets is also excellent. The hon. General Manager has pointed out that it has stood up to a very considerable increase in traffic of all sorts, and obviously if the assets were not in good condition it could not have done so. As a matter of fact, as everybody knows, before the war it was a matter of some concern to the management to find another house or another shed or another hut which could possibly take another coat of paint!

This would be a most satisfactory state of affairs on which we could congratulate ourselves if the financial and other conditions of the Railway were in any way indicative of the general prosperity of the countries through which it runs, which of course it is not. So far from it being any indication of the general prosperity of the other services, while this Railway can build up these tremendous reserves and take money out of the Railway users' pockets in order to do so, the roads which feed the Railway, and without which the Railway could hardly exist are, in actual fact, in many cases drifting into decay for lack of money to keep them up. I need not go any further than that because that statement has been amplified in other words which I will, if I may, quote you: "In Kenya the Railway is already ahead of other forms of development such as roads, water supplies and education, and although the Railway, like every other form of activity, must work to its maximum efficiency, up to the present the amount spent on this particular form of transport is disproportionate to that expended on other services. It is not desirable that it should get further ahead and so increase the gap between it and other forms of development, but rather that it should pause until other services get level with it." Those are not the words of an irresponsible critic or even of a very irresponsible journalist; they are the words of your immediate predecessor as Governor of this Colony and High Commissioner for Transport, Sir Robert Brooke-Popham, written in a despatch to the Secretary of State for the Colonies

only a little over three years ago—on August 16th, 1939. Now I am sure you will agree that a statement made by a High Commissioner for Transport who is also Governor of Kenya is a statement coming from a very responsible and very authoritative source. No hon. members on the other side of Council will quarrel with me over that. Well, you would have thought that in those circumstances the statement would have received every consideration, but it is evident in fact, that so far as there is any reflection on these estimates, it received no consideration at all, or at any rate only negligible consideration.

I think we have got to see how it is that this Railway has built up this wonderfully fine position, far in excess of any other service in the Colony, at a time when all other services are crying out for money. The answer of course is perfectly easy. It is a privileged monopoly; it is protected by legislation enacted by this Council from any sort of competition which it does not like; it pays no dividends on ordinary share capital; it does not pay one penny to the countries through which it runs which guarantee its losses and from which it gets its revenue and who presumably are supposed to own it. Further than that, this Railway has in the past been allowed to pick and choose its business. Naturally enough—it is only human nature—it has picked the business which has paid and avoided the business which does not pay. I will instance as an example the passenger traffic, which is now causing the management so much concern. Before the war, although it is true the Railway did provide for long haul passenger traffic, in effect it did not attempt to cater for local passenger or express passenger traffic; that was left to the private individual. Thus we have the anomaly of the Government at this moment spending a lot of money—something like £1,800 a mile—to build a road almost alongside the railway to cater for the traffic for which the railway does not provide, and which in most countries is the normal function of the railway. I would point out that this road is for the carriage of passenger traffic only; not for the commercial carriage of goods, because the commer-

[Mr. Couldrey]

cial carriage of goods is a paying concern and therefore the Railway wants that and therefore it has ensured by legislation that nobody but the Railway gets it. I am perfectly well aware that in a railway of this nature in a country of this nature it would probably be extremely poor economics for the railway to have attempted to cater for fast or express passenger services. It would probably have lost so much money—much more in proportion than the value of the services which could be given to the public, but surely if it is going to be excused from doing what is the normal function of a railway, that is of running a passenger service, it should at least contribute something to the construction and maintenance of the road which in consequence Government has to construct. There is no sign of any such contribution in the Estimates.

There is, I think, a much more serious indictment against the Railway than that. The Railway, I know, is not allowed to make profits under the Railway Ordinance, but it has built up this reserve position with so much facility that the Railway Council—if it be a railway council which is responsible for the policy of the Railway; and after what my hon. friend the Member for Aberdeen said I am not sure that it is—anyhow, whoever is responsible for its policy has been lulled into a sort of smug complacency, and has not attempted to get new business. It has not attempted to do as railways are expected to do in all pioneer countries and to open up new districts. It has certainly not done so of late, and when in earlier days it did build branch lines it only did so on the express guarantee of this Council that should it make any losses Government would make them good. Let me give you an instance of this neglect. I will quote you Sotik, a country of enormous productive possibilities. The question of a branch line to Sotik was under discussion for many years. I believe, although I am not sure of it, that at one time a preliminary survey for such a railway was made. I do not know why the idea of building that railway was abandoned. Possibly it was thought that, with modern de-

velopments in transport, to construct a permanent way to Sotik was not the best way to open up that country. Anyhow, the railway was not built, and if it was thought that the permanent way was not the best way to open it up, the railway took advantage of that fact to do—nothing. I submit that if the railway thought that to build a permanent way was not the best means of opening up the Sotik country, then the railway should provide out of its own funds for roads and for lorry and bus services which would take the place of the branch line. I hope that the hon. General Manager in his reply will assure us that he has every intention to do that and do it now and not wait till after the war.

As long ago as 1904, another Governor—as a matter of fact he was only a Commissioner, but I like quoting Governors—Sir Charles Elliot, speaking on this Railway said this: "It is the backbone of the East African Protectorate, but a backbone is as useless without a body as a body is helpless without a backbone." I am sure my hon. friend the Director of Medical Services will assure us of the truth of this statement. But what has happened? So far from the backbone paying any attention to the rest of the body, it has in this pioneer country between wars taken no less than three millions of money out of revenue and capitalized it. Capitalized it for what?—they have capitalized it for the betterment of the Railway alone! Even since 1935, at a time when our great primary industry, agriculture, was in a depressed state and in fact when agriculture nearly all over the world was only kept going by such artificial devices as subsidies, currency manipulation and so forth, even since then this Railway has taken a million pounds out of revenue and capitalized it for the benefit of the Railway, not for the benefit of the rest of the body!

Before the war, private enterprise in this country instituted an air transport service; it had also on a smaller scale instituted a motor bus service to run alongside the railway and cater to some extent for passenger traffic which the railway was unable to cater for. I regret that in the Estimates there is not even

[Mr. Couldrey]

a token figure to show that this Railway intends to embark on these particular forms of transport after the war. Even now they have to do what every government in the world has to do, think about post-war problems. I submit that the time is coming, in fact it came a long time ago, when the transport problems of this Colony and Uganda should be regarded as one. It is absolutely absurd to put in water-tight compartments road, rail, air and lake transport. I believe that unless the Railway immediately after the war gets into this business of air transport and to a smaller degree the business of running motor-buses where passenger traffic warrants it, unless they do that the time will come—although I may not be alive to see it—when the Railway will have to buy out vested interests, probably at a very big figure. I understand it is generally held now, in transport circles that in the future air transport must prove not only a competitor but a victor over the permanent way. I do hope the hon. General Manager will tell us in his reply that he does intend to investigate now the best means of getting into this air transport business.

I am going to vote against this motion. I am not doing that from any desire to be an obstructionist, but I believe the relationship between the Railway and this Council is entirely wrong, and therefore the policy also is quite wrong, and I believe it is up to us to make our protest effective as far as any protest can be effective from this side of Council. I oppose the motion.

Mr. Nicoll: Your Excellency, first of all I should like to say that I consider that in bringing these estimates to Council in this present method is rather putting the cart before the horse. When we adopt the Colony's Estimates the members on this side of Council have the opportunity of putting forward their views as to how the money should be allocated for expenditure during the coming year; the budget then goes to the Standing Finance Committee who take into consideration the various points that members may have made, and the budget is cut about a bit and then comes back to Council for final

approval. Here the Railway estimates are put before us and we talk a lot, and if we put up any suggestions for alterations at all nobody takes the slightest notice of them and has no intention of making any alteration at all. I should like to see that we in future have an opportunity of discussing the estimates before they are considered by the Railway Council or the Harbour Advisory Board, and perhaps the hon. General Manager will investigate that possibility. Funnily enough, I want to talk about the estimates for a bit. First of all, I want to make one comment in regard to that paragraph under the heading in the memorandum on page four of the printed estimates, where the General Manager says: "Imports will undoubtedly fall and exports will far out-balance imports in revenue and ton miles." I think that perhaps he would have been more accurate had he said, "commercial imports will fall." I do not think anybody will quarrel with that, but I think imports, taken by and large, where you get the fall will be offset probably by the equivalent amount of military and other essential material. I ask hon. members now to turn to page twenty-eight, and unless I am very much mistaken under Item six, Unforeseen Works, £7,500, the hon. General Manager will correct me if I am wrong. I take it that is the figure for A.R.P. arrangements in Mombasa. The point I want to make is that that £7,500 comes under the Betterment Fund. With the exception possibly of fire-fighting appliances such as fire-engines, I do not think that is the correct allocation. Despite what the pundits have to say, I have seen a recent memorandum about some of them, the digging of trenches cannot be considered a correct charge to betterment. Filling them in after the war probably may be a correct charge to betterment.

Before leaving the question of the harbour there is one point which I feel I must emphasize, and that is that with the very great deal of handling work which is going on the labour in the port is physically weary. I hope some arrangement will be made whereby we can ensure that the labour will be able to get some let-up or holiday or leave.

[Mr. Nicoll]

They have been going flat out now ever since the war started, and the next hot weather is going to prove a very trying time for them. The same applies, of course to the European supervisory staff. I raised this point last year. Your Excellency, the predecessor of the hon. General Manager, and the hon. Attorney General, have all tried their very best to get us men back from the army, and we have tried to increase the supervisory staff but have not been particularly successful, because the type of person available is not the right type. But I do want to give a warning to the hon. General Manager that he should investigate this matter still further, because otherwise through sickness and thereby lack of supervision we will not be able to work as efficiently in the port as we ought to. The hon. General Manager in his speech said, "Do not use rail transportation wastefully." Well, I entirely agree, but one hears on all sides of the wasteful usage of rolling stock by the Services. I understand that all goods, no matter where they come from, have to be railed to a certain point and there they have to be sorted. That particular point I understand is an inaccessible point as far as the Railway is concerned. From there the goods are reconsigned to their destinations. I understand that the other day a consignment from Magadi which could have gone direct to Mombasa had to go to the central clearing house and then be reconsigned. I do suggest that something should be done whereby when it is possible to make a direct consignment the sorting house should be cut out and rolling stock thereby saved.

I want to turn to the remarks of the hon. mover at the time of the budget debate when he dealt with the question of labour. First of all, I should like to take this opportunity of correcting a mis-statement which I inadvertently made. I said during the budget debate that the strikes in Mombasa started with the Post Office labour. I understand there has not been a strike in the whole of 1942 among the Post Office labour, and though I think the Post Office boys threatened to strike they certainly did not. I apologize to hon. members for

misleading them, and particularly to the Postmaster General and his department for that mis-statement. To come back to the question of labour. The hon. General Manager pointed out to me that a minimum wage was not a specific recommendation of the Willan report, of which he said I was a very strong opponent. He is quite right, I am; it was a dreadful report. I think he will agree with me that by saying it is not a specific recommendation it is rather drawing a red herring across the trail, because there is no doubt about it that the recommendation was there by implication, and I think the hon. Member for the Coast in all probability will agree with me on that point. The other point the hon. member made was that as a member of the Harbour Advisory Board I should have queried the various items in the memorandum on the estimates of works as to the wage which was being paid to the labour. Of course, I suppose that in theory he is quite right, but I suggest that if he wishes that practice to be introduced or thinks it is the least bit necessary, it is not a particular compliment to the framers of these particular estimates or to his supervisory staff nor is it creditable to a very rich railway, that they do not pay their labour a fair wage. I suggest that a paragraph be inserted in his various estimates stating that the minimum wage of a particular section of labour is so much; thus we shall know that the labourer has not been forgotten.

I want to say a word about the school children. We in Mombasa were no less surprised—or shall we say somewhat shocked—at the scare which went round that school children should have their holidays curtailed to two instead of three a year in order to save rolling stock. Well, on the face of it, it really looked as if somebody on the Railway had taken leave of their senses to put forward a suggestion like that, when everybody knows how important it is that children and their health are looked after. The hon. General Manager says, "Don't travel unnecessarily." Very few of us do travel for pleasure these days. I certainly do not, but I will give you an incident which happened

[Mr. Nicol] this weekend, and it shows that something ought to be altered, I think, in regard to the loose information, shall we say, given to prospective passengers. If a member of the public rings up and asks the railway to take them on a Tuesday or Thursday, they generally get the reply, "Standing or sitting room only." This happened to a friend of mine. He telephoned on Friday that he wanted to leave on the Saturday for Mombasa on very important business and was told "Sitting or standing room only." He decided to make other arrangements, but that train, I am told, went out of Nairobi on Saturday afternoon with two empty coupés and every first class passenger with sleeping berth accommodation. Is it the intention to scare people off travelling entirely by telling them it is thoroughly uncomfortable, when the majority do not travel for fun? I will put forward one practical suggestion in regard to travelling between Mombasa and Nairobi. Why not curtail civilian travel to three or four days a week and the other days be used for the movement of Service personnel? There was a time not so long ago when we only had a four day service between Mombasa and Nairobi, or it might have been three. That might be considered.

The appeal not to give leave to civilian personnel if a train journey is involved, strikes me as being a very shortsighted policy. I noticed one to that effect over the signature of the hon. General Manager in a recent issue of the *East African Standard*. In fact, I am told, I cannot guarantee the veracity of this statement, that one very senior member of the Railway Administration is credited with saying that civilians do not count in war time. That is absolute nonsense, as in war time as in peace time the civilian counts very much indeed, and if the civilian organizations break down the military will not get their supplies. It is necessary that the health of the civilian should be safeguarded as much as that of the Service personnel, for we are all in this show together. I suggest that if what I said just now was reported to me correct, the senior Railway official should understand he is a servant of the public, and

the sooner the Railway realizes they are the servants of the public and that the public are not the servants of the Railway the better. I must say that in recent weeks after seeing some of these announcements I have come to the conclusion that possibly there is a certain amount of jittering among the more senior personnel, perhaps due to the general strain and that they are getting physically tired and probably need rest as much as anybody else. But nobody can say that the Railway is inefficient. It is not, it is very efficient indeed and has put up a magnificent show for the last three very trying years.

One more point. For my sins I do have to travel on the Railway quite a bit, and I must say that my own experience is that the train staff are most courteous and helpful. Some of the recently joined boys have not had much experience, but they do try, and I am sorry that the hon. Member for the Coast is not in agreement with me on that . . .

MR. COOKE: On a point of explanation, my point was that they are less courteous and efficient than they were; I did not say they were discourteous.

MR. NICOL: I have found them very helpful and obliging, as also the Railway station staff. In regard to the excellent speech of the hon. Member for Nyanza, I feel very much as he does. I feel like opposing the third part of this motion in view of the fact that these estimates have come to us as a *fait accompli*, and whatever we say will not make the slightest difference to the printed word.

MR. KASIM: Your Excellency, I would like to comment on one or two points in these Estimates. The Railway is budgeting for a revenue of £3,216,000, and the amount is more or less the same as that of the Kenya Government budget. But if any hon. member in this Council has any genuine suggestions to make in regard to certain items in the Railway budget, the hon. General Manager would not accept any recommendation unless he first refers the question to the Railway Advisory Council, so that to discuss these estimates is really a waste of time. I feel that the

[Mr. Kasim] time has come when a Standing Finance Committee composed of this Council and the members of Uganda Legislative Council should first examine the estimates.

I cannot find that any provision has been made in these estimates to give European, Asian and African employees of the Railway any cost of living relief. As everyone is aware, the cost of things has gone very high, and there is a strong feeling among the Railway employees on this matter, and many of them, especially the lower paid, are getting into debt. I appeal to the hon. General Manager for some sort of relief to be immediately given to the staff. It will be remembered that two years ago I raised the question in this Council that Asian artisans who were employed on the hourly basis should be taken on to the permanent staff. I am glad to know that a number of them have been taken on to the permanent staff, but I understand their wages are very low. I hope the hon. General Manager will inquire into this question. There is a strong feeling among travellers on the Railway that the existing fares, especially the first and second class, are very high and should be reduced. It might be assumed that if the fares are reduced many more would travel on the railway, but I can assure the hon. General Manager that nobody will undertake unnecessary travel. I do not associate myself with the hon. Member for Nyanza, who asks that the Railway should provide road transport in the Sotik area, as there are several transport businesses in that district which maintain efficient bus services from Lumbwa.

DR. WILSON: Your Excellency, this debate on the motion for the adoption of the Railway Estimates is the one occasion in the year when discussion in this honourable Legislative Council is reduced to the absolute zero of futility. Year after year the case against the Railway is stated plainly and convincingly and it has never been stated more plainly or more convincingly than it has this morning by the hon. Member for Nyanza. Year after year, and this year will be no exception, Government does

just exactly nothing and the Railway continues to pocket millions of pounds of the people's money. For years past I have done my best to call attention to the preposterous anomaly of a State protected monopoly which is growing richer and richer at the expense of the impoverished community which it was designed and intended to serve. I am afraid with the passage of years that my powers of denunciation are exhausted, or nearly. I am afraid I cannot expect to find in my vocabulary anything new to say in condemnation of this outrageous state of affairs. I am glad, to note that we have at least one new source of outspoken criticism in the person of the hon. Member for Nyanza, and I congratulate him on the vigour with which he has jumped to the attack this morning, and of course we still have, and I hope can still rely on, my hon. and gallant friend the Member for Ukamba, our finest exponent in this Council of verbal frightfulness. Age cannot wither him nor custom stale his infinite variety of invective. On one occasion he told this Council that the Railway by consistent misappropriation of funds for its own betterment had attained such a state of ultra-perfection that it could no longer be called what he had once called it, a ribbon of rust, but could better be described as a band of burnished steel. It was only my natural sense of decency and decorum that prevented me on that occasion from comparing the Railway to a tapeworm, which I think is a very apt description (hear, hear).

Sir, will Government please attempt some explanation of why this organization is allowed year after year to bloat itself with profits, without being called on to make any return to the Government by whose help and co-operation it is making these profits? We do not want to be told that by law, by the terms of the Railway Ordinance, the Railway can make no profit. We are tired of being told that that is the reason why the Railway cannot be subjected to the indignity of being asked to declare a dividend for the benefit of its shareholders, or still less be insulted by being assessed for income tax. (Laughter.) We are even more tired of hearing year

[Dr. Wilson]

after year of what I call the recurring miracle of enormous profits, in spite of the statutory impossibility of there being any profit at all, and we are more than tired of seeing these profits used solely for the Railway's own benefit and betterment. I ask, will Government give this explanation or not? I believe it dare not because as I said once before here the Government of Kenya, like Frankenstein, has created a monster which has got absolutely out of control, and this monstrous creation has succeeded in getting a stranglehold on the Government and the country.

I am very sorry I was not here this morning to hear the hon. General Manager introduce this motion, because it is always interesting to hear the head of the Railway Administration justifying his annual appropriation of his ill-gotten gains. I want to ask him two questions. I cannot find the answers in these Estimates, and I understand he did not quote the figures I wanted in his speech this morning. The first question is, by what figure did the actual excess of revenue over expenditure in 1941 for the K.U.R. & H. exceed the original estimate of £77,703? The figure I have arrived at by studying these Estimates is so colossal that I dare not quote it (laughter). It seems to me to be round about a million pounds, and I should be grateful if the hon. General Manager will confirm or contradict that guess. I take it he will not include under the head of expenditure the amount of money that was contributed as remission of charges on military traffic. The second question is, by what figure is the actual excess of revenue over expenditure in 1942 expected to exceed the original estimate of £74,088? The first supplementary estimates seem to show that when they were drafted the estimated excess was nearly £800,000, which looks to me very like the best part of another million, quite unexpected, quite unpredicted, in the estimates, but none the less promptly appropriated. I suppose it would be quite improper for me to ask the hon. General Manager by what figure he really expects the excess of revenue over expenditure in 1943 to exceed the figure shown in these printed estimates? (Laughter).

I regret that I must decline to associate myself in any way with the adoption of this motion. (Applause).

MR. PAROO: Your Excellency, the Railway in this country, I think, looks upon itself more or less as a self-governing or an independent entity of the Colony. It is, as we all know, very little under the direct control of this Legislative Council. These estimates are presented here as a yearly feature for criticism and comments, but being of so technical a nature, I think they are very difficult to criticize, and I can tell from the speeches I have heard from the unofficial members on this side of Council that they have not been able to criticize any facts and figures contained in the Estimates. They have merely touched on the principles. As I say, these estimates are of such a technical nature that unless a member has sufficient knowledge of the working of the Railway Administration he is unable to make any comments on them. The Administration is generally controlled and looked after by the Railways and Harbours Advisory Council, on which, as you know, Sir, there is no Indian member. So far it has been a yearly feature to make this claim in this Council, pressing the justification of the Indian claim, but it has been more or less a cry in the wilderness, and for this reason I am afraid, Sir, that from this side of the Council we are unable to make any criticisms or suggestions on the Railway estimates. There is, however, one point on the policy of the Railway. According to the Railway Ordinance, it is laid down that the total earnings of the service shall not be more than sufficient to meet the necessary outlay for the working and maintenance, interest and sinking fund charges, contributions to approved reserve funds, etc. This fact has been generally advertised by the Railway Administration but in actual fact it is not put into practice. We can see from these Estimates that the Railway is going to make £478,000 profit during 1943, and when the suggestions were put forward that, in view of the high cost of living, a reduction in railway rates on imported goods to give relief to the up-country public should be considered, the suggestion was turned down.

[Mr. Paroo]

The hon. General Manager has more or less made a slogan by advertising that the public should not use the railway wastefully. He spoke on the wireless and wrote in the *East African Standard*, he mentioned it in his report, and he also spoke of it this morning, but I can assure him from my personal experience—and I have to travel very frequently on public work between Mombasa and Nairobi—that it is not a pleasure to travel on the Kenya and Uganda Railway. You cannot get to sleep with the bounce and noise. (Hear, hear). One more point I wish to allude to is the question of the labour trouble which occurred last month in the Railway. I entirely agree with the hon. Member for the Coast that if the Railway had had foresight they could have seen this fact years ago and would not have allowed boiling point to be reached, which was reached in October and November. Having been a member of the Trades Disputes Tribunal, whatever award has been given by the majority sitting on that Tribunal, I do not think it is going to go very far to satisfy the native labour or the lower paid labour on the Railway. The present General Manager has insisted on paying the labour in kind whereas his predecessor's policy was always to pay in cash, and that is the policy which has been pursued for many years and which has now been changed overnight. I repeat that contented labour is essential for the successful prosecution of the war and if their position is not ameliorated then I am afraid that the policy of "preparedness" as claimed in the Railway report will be crushed.

COL. GROGAN: Your Excellency, I do not propose to take up very much of the time of Council, but I must say that I am rather encouraged by the very excellent addresses of my hon. friends on my right and left and will only say that I welcome the growing appreciation around me of the pathological menace of this helminthic omnivore. (Laughter).

COL. KIRKWOOD: Your Excellency, in rising this morning I am reminded of the old saying that when you are in doubt whether to cry or laugh it is very much better to laugh, and the other saying

that if you laugh the world laughs with you. I am going to try and get the hon. General Manager to laugh with me, because I think that the more we are together the happier we shall be. (Laughter). I regret myself that these estimates are only a cockshy as it were, and I would suggest to the hon. General Manager that he might invite us all down to the Railway Club this evening to see whether there is any truth in the fact that the more we are together the happier we shall be. The reason why some men are successful is that their competitors are failures. It is quite obvious that the hon. General Manager is a colossal success: he has no competitors, he is in charge of a monopoly, but I do not agree with the opinions expressed in some quarters that it is futile to discuss this budget in this Council, and I do not agree that this Council is the only place where it should be discussed. It was decided many years ago that an Inter-Colonial Railway Advisory Council should be formed. Prior to that, the little institution now known as the Kenya and Uganda Railways was known as the Uganda Railways, notwithstanding that then and now Kenya was and is responsible for the greater part of the redemption of its loans and for the greater part of the running length of the line. I do not think that discussing this question of trying to get finality here will help, but I want the hon. General Manager to help me, and I should like to ask him why he has not started a trolley service on the Kitale-Eldoret line, a matter of forty-five miles, to take one instance. Cream is collected by the K.F.A. near the station at Kitale and taken to Eldoret by means of two three-ton lorries every Monday morning. As everybody is aware, a trolley service would take that cream through at a greatly reduced cost to the Co-operative Creamery and also to the producers. It is uneconomical to have to run two lorries every Monday morning from Kitale to Eldoret to take the cream and to compete with the Railway. I maintain that the Railways should always compete with the road traffic if possible, and the principle should be adopted by the Railway that it should be run for the benefit of the

[Col. Kirkwood]
country in which it operates and primarily for the benefit of the agricultural industry. I would ask for a train to be put on to take the cream from Kitale, or a lorry service or a bus service run by the Railway, as is done in Uganda.

There is another point on which I should like information, about which there is nothing in this budget, but it is a Railway matter. I should like to ask the hon. General Manager to tell us why a line should not be put in from Londiani station to connect up with the Nakuru-Eldoret line, about eleven miles long, joining up the Nairobi-Kisumu line running from Eldoret. There has been a fuel line laid there recently, and it is quite easy to bring the railway line in at that point. That would obviate a roundabout journey of 135 to 140 miles by putting in a link of eleven miles. It is only the hon. General Manager or the Inter-Colonial Advisory Council who can see the implication of that, and the traffic that might accrue, the savings and the traffic it would get, but it would save 135 to 140 miles of travel from Kisumu to Eldoret or Kitale. I think that is a problem the General Manager will appreciate. There is another question which probably sounds piffling, that of our card passes. It would appear that the surest way to lose a friend is one fine day to use a friend—if you use your card pass you lose it and if you do not you will not lose it. I cannot understand how it can be put down as economic. I am one who uses vouchers when I travel, and I do that because it is a saving to Government. I think I have made one return journey to Kitale with a voucher, which cost Government very little. My voucher book will probably serve for the whole of my travelling in 1943. When I make out a voucher I have to make out four copies of a foolscap form, which is a waste of paper, when I could go to the station and get a voucher there instead of taking a whole book out of circulation and holding it up, creating a sort of black market! I cannot see any saving, though there probably is some. Government I understand pays £25 a

year for a card pass for each member, whether it is used up to that amount or over. On the voucher system Government only pays for the tickets actually procured by the voucher. Where is the saving or economy? It is a question whether Government pays more into the Railway or the Railway gets less from Government, but I cannot see that it is economic. If it is necessary for members to travel on the railway they have got to travel, and I do not see why we should be prevented from using the Railway in Uganda if we wish to go to Uganda. Either it is logical or it is not to discuss the Railway budget in this Council. If it is, and seeing that the Inter-Colonial Advisory Council sits in Kenya and Uganda, I cannot see why members of this Council should be prohibited from travelling in Kenya or Uganda.

There are signs lately that the hon. General Manager has probably become panicky. I suggest that he should leave that to Rommel, who has been panicky for quite a time. When I say panicky I am not thinking of the card passes, a question which should never have been raised, but of the school children. I presume there are something like 1,000 children travelling three times a year, and they are to travel twice instead. He should have expressed his regret that instead of 1,000 it was not 10,000 children who have every right to the best accommodation they can get, and who should be allowed to travel in the greatest comfort with no restriction placed on their travel. I think there is too much panicky talk going on about our Railway. It is working, I am prepared to admit, to the utmost, and I am prepared to admit that the Railway staff are doing magnificent service. I have certainly seen no increase in discourtesy, and have never seen it on the railway during my twenty-three years in this Colony. I think it is a great mistake to get panicky when you have this issue of the children, and the card pass issue, and there have been others. As regards the labour question on the railway, they always arise. The management have been seriously criticized for not realizing that trouble was in the

[Col. Kirkwood]
offing. There may be some justification for that, but I have had a long experience with natives, more than some members of this Council, and it is difficult to understand a native, and more difficult for natives to understand war conditions. Nevertheless that ghost I hope has been laid, but I would point out that the cause of the labour trouble is the effect of the war. It is the effect of the cost of living, and I have not heard from the hon. General Manager any protest against the unnecessary rise in the cost of living. A blanket that cost Sh. 5 three months ago is now being sold at Sh. 8 and Sh. 9, and I say that is a scandal, and I mention it not to introduce what may be considered an irrelevant matter but to suggest that the hon. General Manager, who has the funds behind him, should import his own blankets in large quantities and so compete against those people who are overcharging. I know what I am talking about. I buy blankets for my boys every month more or less, one or two or half a dozen. I feel ashamed to take that blanket and tell the boy what it cost me, and say that "if you do not believe me I will take you to the shop." But the natives do trust me, but they do not understand the terrific rise in the cost of living. I suggest that the Railway could get over that by importing their own goods, and that Government should do the same.

I cannot agree with one hon. member who said he could not associate himself with the passing of these motions. I think that what he should have said was, "I do not dissociate myself from the passing of these motions before the Council."

MR. RENNIE: Your Excellency, perhaps in my dual capacity as a member of Railway Advisory Council and also as Chief Secretary to the Government of Kenya I should say a few words after the debate we have heard this morning. In the first place I was very glad indeed to hear the tributes paid by several hon. members on the other side of Council to the very efficient work that the Railway Administration has done under very trying conditions indeed during the

past eleven months. Special attention is no doubt directed at the present time to the recent labour troubles in the Railway, and I think that in concentrating as we do on this at present we are following a very natural course, but I do not think that that should blind us to the fact that as far back as 1939 the Mombasa strike committee, to which reference has been made this morning, paid tribute to the excellent conditions in which the Railway labour at that time existed in Mombasa, so far as the housing conditions of the majority were concerned. I think it is generally realized by most of us that the Railway Administration has set an example and, so far as Government is concerned, one it has not been able to follow as closely as it might, in the terms of service of its native employees. There is a further point, I think, that we should bear in mind at the present time and that is that the present General Manager has held that position for only a few months, and any difficulties that may have arisen recently cannot, I think, be necessarily attributed to him. His predecessors and the Railway Advisory Council, of which I am a member, must also take their share of responsibility. (Hear, hear.)

Now so far as the Railway Advisory Council is concerned with these Estimates before this Council now, I was not present when it discussed and examined them some weeks ago, but I think that most of us here this morning are agreed that, as Railway estimates, they are based on very sound, prudent and careful lines, and I have heard nothing this morning which indicates strong disagreement with that view. So far as the question of the Railway's contribution to the general benefit of the country is concerned, as Chief Secretary to the Government of Kenya I have a considerable amount of sympathy with the views expressed by the hon. Member for Nyanza and the hon. member Dr. Wilson. Nothing would give me greater pleasure, as I have indicated more than once to the former General Manager of the Railway, than if the Railway saw fit to pay an annual contribution to the Kenya Government funds, but as a member of the Railway Advisory Council, when I examined the

[Mr. Rennie] statement on page twenty-nine of these Estimates, I could not see any particular item in respect of which the Railway has earned some of the epithets that have been directed against it this morning. If hon. members will turn their attention to page twenty-nine, they will see, as regards the renewals fund, that there is a very large figure indeed mentioned there, something over £3,000,000. That renewals fund is based on a reasonable and fair method of setting aside a certain percentage each year on the various wasting assets, and were it not for the fact that that renewals fund is in a very flourishing condition the Railway, as my hon. friend the General Manager stated, would not have been able to stand up to the strain of the last year or two. Hon. members will see from page four of these Estimates that £500,000 was borrowed from the renewals fund during 1942 to finance the purchase of additional locomotives and rolling stock, and I suggest that it is because the Railway Administration has placed its finances in a sound position in recent years that it has been able to stand up during the past two years to this tremendous pressure that has been put upon it. I think, as a member of the Railway Advisory Council, I should pay tribute to the ingenuity which the administration has shown in meeting call after call made upon it. We members of the Railway Advisory Council have constantly been asked to consider various projects which will mean that the railway can handle all the more efficiently, all the more quickly, traffic that has been, as it were, thrust upon it, and when the hon. Member for Nyanza states that the Railway Advisory Council has been lulled into a sense of complacency recently he may, I think, have forgotten that, certainly since I became a member of the Council, during the past three years, our endeavour has not been to find new traffic but to cope with the traffic that was pouring in upon the Administration.

To turn more specifically to some of the points raised, the question of the suggested restriction on the school children's travelling facilities has very naturally been commented upon at some length this morning. I think it is only

fair to the Railway Administration to make it clear that at the last meeting of the Railway Advisory Council a number of suggestions were considered as measures which might help the Railway to cope with the traffic. The Government was to be asked to take into consideration certain points, the Service authorities were to be asked to consider how they could reduce their demands upon the railway, and this particular measure—it was merely a suggestion—was put by the General Manager of the Railway as one of the measures of that sort, namely, measures which were intended to bring about a reduction in travel on the railway. I think it is a little hard on the General Manager that when he put this suggestion to the Director of Education and the Director of Education consulted the principals of schools, that it should automatically be considered that the General Manager had put his foot down and refused to allow the children to have more than two holidays, or rather to travel on the railway for their holidays more than twice a year. I think it should be made perfectly clear that the General Manager put forward the suggestion to Government and when that suggestion was not found feasible Government said so to the General Manager and the Railway thereafter dropped the suggestion.

I have not heard very much this morning to make me think that members realize—I have no doubt they do realize, but it seems to have been forgotten during the course of this debate—that the Railway covers Uganda as well as Kenya, and we must remember, I think, that the profits which the Railway has made have been made up from the traffic that has come from Uganda as well as from that which has come from Kenya. The hon. member Dr. Wilson stated that the profits were used solely for the railway's own benefit. With all due respect I think that is hardly an accurate statement. I have no doubt my hon. friend the General Manager will be able to give more exact details than I can, but I have in mind the fact that the Railway has lent a considerable amount of money to H.M. Government free of interest, that it has also lent money locally for very desirable pur-

[Mr. Rennie] poses at a very low rate of interest, and that by its rebates on military traffic it has handed back, as it were, to the military quite considerable sums of money. From that point of view I think that the use the Railway has made of its profits and of its surplus balances in the past few years has been very helpful. I was not able to follow entirely the remarks that the hon. Member for the Coast made in respect of the Tribunal. I will take that point up with him later, but if Government has been lax in any respect I will certainly have it rectified. I was a little surprised to learn, however, that the Tribunal's functions were not to make definite recommendations. I think that he did not really intend to make a general remark of that sort.

MR. COOKE: On a point of explanation, I did intend to make such a remark, because that was the ruling of the Chairman, and, owing to his legal experience, I understand the ruling was a correct one.

MR. RENNIE: Well, Sir, the instructions to the Tribunal, which I myself was responsible for, were that it should very definitely make recommendations in order to settle the dispute at Mombasa. If the hon. member's reference is to recommendations outside the dispute, it is rather a different matter. The hon. member referred to his question about reserved occupations. I hope, Sir, that a reply will be given to that in the very near future. Reference has been made to the question of the branch line to Sotik and the necessity of transportation service down that way. That is a matter that I personally took up with the late General Manager of the Railway in 1941, and he found that at that time it was not possible to inaugurate a transportation service at branch line rates as had been suggested by the local inhabitants. I am aware, however, that the question has received further consideration recently, and I have no doubt my hon. friend the General Manager will be able to state what solution has been found, if one has been found, as a result of his recent investigation of the question.

I think that I have covered most of the remarks that I set out to cover, and I would merely emphasize the point I made earlier that, as a member of the Railway Advisory Council, I am very well aware of the exceedingly difficult time the Railway Administration has had in the past year and I should like to pay tribute to the Administration for the way it has handled the problems that have been thrust upon it. (Applause).

MR. ROBINS: Your Excellency, I have listened with great interest to the first debate on the Railway Estimates which I have attended as General Manager, and have come to the conclusion that this seems to be a debate in which everyone can get their complaints and their difficulties off their chests in public to the General Manager! We also have our difficulties. My general impression of the debate was this: that I do not think hon. members yet realize the difficulties with which the Administration is faced, and certainly from the speeches made on the other side of Council I have not formed the impression that anyone really realizes the difficulties which the Administration are up against in dealing with the passenger traffic. Their impression is that it is the other fellow who has got to do the economizing in rail traffic. I said the other day in my broadcast talk over the wireless that you cannot get a quart into a pint jug no matter how clever you are. I do not confess to be particularly clever, but I have spent a lifetime in transport and I cannot get a quart into a pint jug. I am not panicky, but those are the facts that this country has got to face, that we have got to relate demands to our ability to provide rolling stock to meet them. The hon. Chief Secretary has explained to a very great extent the question of the school children. All I did was to make a suggestion, and I want to make this point: that that was all I did. In fairness to my own staff I must make the other point. The first restriction I imposed was a restriction on the Railway staff: they have to do with a less number of long passes which, by reason of the long passage-of-years, had become almost part of their service. I did not ask the public to co-operate and restrict their

[Mr. Robins]
travel until I insisted that the Railway staff themselves should set an example.

Coming back to the question raised by the hon. Member for Aberdare, that the Administration should have known long in advance of the labour troubles, as the hon. Chief Secretary has said I have not been long in this country, but I do not want to seek shelter behind that fact. If labour troubles were in the offing, even in a short time I should know something about them. I did know somewhat in advance that the position was difficult, but the difficulties which then arose were really matters relating first of all to the supply of commodities, particularly at Mombasa, and secondly to the prices which were charged, both of which interested me tremendously, and on behalf of my staff, in spite of the general implication that I am not sympathetic towards the staff, which is news to me. I was hoping that I was regarded as sympathetic towards the difficulties of the staff. The fact is that although I am very much concerned in these things, the actual responsibility of getting food to Mombasa is not one that falls on my Administration but, immediately I knew there was a shortage, I did everything possible to increase supplies at Mombasa to the extent of stopping a good deal of other traffic in order to enhance those supplies. The second point is that the Railway Administration should also make itself responsible for price control. I know a little bit about that, I handled it in Tanganyika Territory, and here I found an organization in existence, and I found it as much as I could do to handle the Railway itself without interesting myself in matters of price control. The responsibility of seeing that the prices charged are correct cannot fairly be held to be the duty of the General Manager, but there again I did know there were some difficulties, and a good deal of the exaggeration over this question was caused by the number of cases I myself had taken up. I found there were high prices but not necessarily profiteering. Those were the two things really, apart from war conditions, which brought about the strike, but I did know something about them. There is still

another point, it has been mentioned on several occasions. The question of the Railway labour affects labour throughout the country, not only privately engaged labour, but labour throughout the three territories of Kenya, Uganda and Tanganyika. Therefore, one has to be very careful before making alterations and adjustments which in fact will upset the economic structure of these three East African territories. In this particular case I realized at once, after I arrived here, that unilateral action on the part of the Railway was bound to cause considerable difficulty not only with Government but with private employers, and therefore in consultation with Government I pointed out how necessary it was that we should take concerted action on this question. That unfortunately led to some delay, and possibly the delay accentuated the difficulty; but I think I should have been criticized even more to-day had I gone off and made arrangements to look after the Railway labour and had not troubled about any other employer or the Government.

Another question raised by the hon. Member for Aberdare was the question of passes issued to members of this Legislative Council. I think there is a good deal of misapprehension on this question. There is no intention whatever that these passes should be withdrawn. In fact, card pass is rather a misnomer; they are season tickets issued at an assessed sum to Government by the Railway Administration. For many years the season tickets were restricted to journeys in Kenya. By a mistake last year they were extended to include the lake service and to include Uganda. When this mistake was found out, the attention of Government was drawn to it, pointing out that this went far beyond the original arrangements and in the present circumstance that we were not particularly anxious to encourage travel, especially, on the lake service, where accommodation was restricted by Service demands, and although no additional charge was made by the Administration it was decided that the matter should be reviewed in the early part of the next year. There again it seems to me a question that during war

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time it is not so much the value of the season tickets as it is the restriction, if it is at all possible, in travelling, and it seems to me that as members of the Kenya Legislative Council it is not a great hardship to ask that members should be restricted to Kenya at any rate for the period of the war.

The hon. Member for Nairobi South was preaching to the converted. He said that the experience of the recent labour troubles made it clear to him that there ought to be a public welfare officer in the Railway Administration. I entirely and absolutely agree with him. I do not agree that in this particular case it would have stopped the strike; there were many factors which led to the strike. A welfare officer would not be a price controller or controller of production or distribution; all he could have done would be to tell me, what I already knew. I do not want it thought that I am in opposition to any suggestion that the Railway Administration should have from its own staff an officer trained to deal with labour questions. It is a common practice in Great Britain for large undertakings to have a member of the staff specially trained to deal with these matters, and I myself should very much like to see such an appointment on the K.U.R. & H. Here, perhaps, I differ slightly in that I consider he should be an officer who should be more fully qualified, with some knowledge of the railway side of the business as well as of labour conditions, and in present circumstances it is extraordinarily difficult to get hold of these sort of people. I have not at the moment been able to find anybody suitably fitted for this appointment. I have not the slightest doubt that after the war it will be one of the first appointments made, and it may be that we may be fortunate during the course of the war to get hold of the services of an officer of this description.

The hon. Member for Kiambu also raised the question of a welfare officer with which I have dealt, and also raised the question of school children not being curtailed in travel facilities, a matter which was dealt with to some extent by the hon. Chief Secretary. There is one thing, I want to be perfectly honest and

open on this question, I quite agree that our care must as far as possible be for the children, but I cannot agree that even the children can be allowed to escape some inconvenience of travel under modern day conditions. It is impossible for the reasons I have given that, so long as the military and naval authorities are responsible for the defence of the territory and their demands are essential to the prosecution of the war—these demands may be lessened in time—those demands unfortunately involve considerable inconvenience on other travellers, and it seems that children will have to suffer some inconvenience. In other words, they cannot expect the same standard of comfort as before, but I should like to assure everybody that we shall do our best, but our best does not mean that we can do the impossible. The hon. member also raised several King Charles's heads in the course of her speech. One was concerning special coaches, dining cars and so on to all of which we are very much alive. Her suggestion was that we should take away the special coaches and dining cars with their elaborate construction and put them to use as ordinary passenger coaches. First of all, they cannot be converted, in spite of the hon. member's statement, to ordinary passenger coaches without a tremendous demand on the resources of the Allies to bring us equipment to use in such reconstruction, apart from which there are other security reasons why this could not be done, and she would not welcome a journey from Mombasa to Kampala or Nimule taking a *Aikapu* containing sandwiches made of present-day bread! I do not think it is a feasible suggestion, and although the hon. member has offered to convert these coaches herself I am afraid I do not hold such a high opinion of her engineering skill. (Laughter.) She also raised the question whether we ought not to buy stores for our own staff and to sell them possibly without profit. It is a matter which does appeal to me to some extent, but I am sure the hon. member does not realize the difficulty of trading, and I am not too sure that it would not meet with a considerable amount of opposition throughout the country. I would again like to emphasize that she seems to me to be out of touch with the realities of

(Mr. Robins)
the position to-day. I have not the people to do this, everybody is trying to do the job of keeping the trains moving, and we really have not the staff for the wholesale handling of commodities. We have in certain circumstances offered to purchase commodities in bulk provided that the staff will appoint one or more of its members to select the commodities and arrange distribution, and that is the most I can do at the present moment.

The hon. Member for the Coast raised a complaint about the shortness of my speech. I am very sorry. I can make my speech much longer at the next budget meeting. I did him the honour of thinking that, having placed these Draft Estimates of Revenue and Expenditure before him, and having enclosed therein a memorandum prepared by myself (in which I attempted to analyse the general position), I thought that I would only be boring him by making a much longer speech and repeating the information. I also saw the criticism made against my predecessor last year, that he had a tremendous lot to say about figures but that nobody could find out what his policy was. (Laughter.) I tried to obviate that this year, but apparently I have not been successful. I am sorry if there has been less courtesy by the members of the Railway staff. I do not think it can be serious if there is. It must be remembered that we are recruiting inexperienced staff now, and probably they have not the same interest or training that the older staff have. It must also be remembered, too, that we all are working under the stress of war conditions. These men, like myself and a good many senior officers, work very long hours with little leave, and perhaps at times we get a little bit shorter than we usually are. If so, I apologize for it, and promise that the standard of courtesy shall be maintained.

I have already dealt with the circumstances which led to the labour troubles at Mombasa, and I think I have explained as far as possible what I knew and what I did. The hon. Member for the Coast says that I received a petition and that I answered it in such a way as definitely to provoke a strike in that I used a lot of economic phrases, which he classed as jargon, and showed a most

unsympathetic attitude. As a matter of fact, that petition was addressed to a senior officer at the coast and he asked me how he should reply to it. I suggested to him that he should explain to the staff the matter was under consideration, that we could not deal with it unilaterally as far as the Railway was concerned because of its effect on private employers of labour and also on Government. I then thought it very wise to follow that up with a general letter to the officer in charge setting out what the Administration's policy was likely to be on this question. In this I dealt with the general economic situation, the spirals and curves to which the hon. member objected were referred to, and I also pointed out the economic difference of meeting the demand by wages and by payment in kind. That was the explanation by me to a senior officer, to give him the Railway policy. My policy has been not to interfere between a senior officer and his staff, because it leads a staff to lose confidence in their officer. The right thing is to keep him advised of what the policy is and hope that he in his turn will keep in touch with his staff. With a tremendous staff such as I have it is impossible for me to know every man and I must rely on the co-operation of my officers. That letter was addressed to the senior officer, and I hoped and expected that he would explain it to the staff making the petition, the reply to which was that the matter was still under consideration by the Railway and Government, which was a statement of fact. In one other fact the hon. Member for the Coast was a little unfair to me. He rather implies that the Welfare Committee at Mombasa has been allowed to lapse, and the implication is that I should not have allowed that to happen. As a matter of fact, I did not do anything of the sort. It actually lapsed when the port became so busy in my predecessor's time, and I was unaware, until I went to the coast to give evidence before the Trades Disputes Tribunal, that it was not functioning. I gave the tribunal the assurance at once that the committee would be re-started. It has, and is working and dealing with a number of questions which came out in evidence before that tribunal.

(Mr. Robins)
On the question of reserved occupations, as the hon. Chief Secretary said, it is hoped that a reply will be furnished shortly. While I am dealing with the points raised by the hon. Member for the Coast I do not know whether it is necessary for me to assure him that I have considerable sympathy with the staff. I have been a member of a staff myself, and I have not forgotten that I was at one time a very junior member of a large railway administration, and I have the greatest sympathy for the under-dog in these matters. I have done all that is reasonably possible, and I also have, as he has reminded me a good deal, a duty towards the people who are users of the railway, and my job is to hold the balance fairly between the demands of the staff and the demands of the users of the railway.

The hon. Member for Nyanza raised a number of questions on the general financial policy of the Administration, and he was not particularly flattering in his remarks. There are one or two small points that I should like to mention. He talks about 6½ million pounds in reserve. For the last ten years we have been trying to explain what this reserve is, and we seem to have got no further forward in this ten years dispute between ourselves. It is not in reserve. A good deal of the money is in respect of definite commitments such as renewals fund, and that money is by no means in reserve. If the hon. member has not in his own business made provision for renewals, my advice to him after a lifetime's service in business is to do so at the earliest moment, or he will find himself in difficult circumstances at a later date. That money is for definite commitments which must replace assets which we already hold and which wear out. On the question of the benefits from betterments, the general suggestion is that this money has been used for the benefit of the railway. Who is the railway? who is the railway? Certainly not me. I thought it was the people of the country. If so, the money is held in trust for the people of this country. If we had not had this betterment fund we should have had to borrow money at a very high rate of interest which, in my opinion, would be com-

pletely detrimental to the interests of the present users and the people of the country. They have had the benefit of the improved facilities which they have demanded, not me. In many cases the demands made by users for their own benefit could not have been met except by reason of the prudent financial policy followed by my predecessor. I am surprised to hear the suggestion from the other side of Council that the right way to level up the disparity between the Railway and Government is to retard the progress of the Administration. I should have said "level up, not level down, try to push on the other administrations if you can, do not retard any one administration". In regard to opening up new business, I am fully alive to the desire, but the fact is that just at the present moment we have got as much as we can do to handle what we have got. That is the threat of my reply. It is no use running after a will-o'-the-wisp when we are so sorely pressed in dealing with the present traffic. That is why I feel that members, in raising these points, show that they are out of touch with the realities of the present position. After the war I shall certainly go out for new traffic, and I am also most anxious to adopt modern methods in doing so, and in connexion with that I am not only interested in road services as a feeder and part of the administration of the rail transport service, but also in regard to air services, and although I have not said anything about them either in the report or in the estimates I can assure the hon. member that a feeder air service in this country has not been lost sight of either by myself or by my predecessor, who some time before he left had frequent consultations with me on this question and we got quite a lot of information collected, so that the hon. member can rely on it that we do take an active interest in air services. Another point I should like to make is in connexion with the spending of what are called profits. They are not profits. It must be remembered that the Administration has also undertaken considerable liabilities, such as the provision of A.R.P. services and the like, and a considerable sum of money has to be produced and spent by the Administration on matters which, so far as the ordinary business is concerned,

[Mr. Robins]
are probably a charge on the government of the territory, and that is our contribution to Government.

In regard to the general principles as to the management of the Administration, I will ask the hon. member to read what happened up to 1922 when the so-called profits of the Administration were paid into Government revenue, and I do not think he would like a repetition of that method in the present day. If he is satisfied with that method then I can only say we could not handle the traffic that we are called upon to handle to-day. The hon. Member for Mombasa also raised the same question of procedure. He also raised the question whether it would not be possible to submit the estimates before they had been seen by the Railway and Harbour Advisory Boards. It is not practicable, apart from whether it is desirable or not. The fact is that to deal with these estimates we have to get a lot of information from a lot of people, including the hon. Director of Agriculture, and they tell us to wait and see what the plantings are and what the weather is, and various other things, so that it would not be a practicable proposition. I myself summarize the estimates at the earliest possible moment for submission to the Railway Council and the Harbour Advisory Board. Another point raised by the hon. Member for Mombasa was that I ought to qualify the word "imports" in my memorandum accompanying the estimates. I quite agree with him that it would have been better had I said "commercial imports", although I cannot say with certainty the position with regard to military imports. He also raised the question about using the betterment fund for such things as trenches and so on. Personally, I do not pay a tremendous lot of attention or regard to exactly how these things are shown in the books so long as the money is there and is properly accounted for. The alternative would be to charge it to working expenditure, but it would be very unwise to do that because it would be inflating it in any one year, and when it came to bare working expenditure the next year it would not be on a comparable basis; therefore the best way is to leave it as it is. The fact is that the cost of the work has been met

from fortuitous revenue. Another point raised by the hon. Member for Mombasa was the question of holidays and leave. No one is more alive to this question than myself, and I insist on the staff having a let up from the tremendous pressure under which they are suffering at the present moment, but it is an extraordinarily difficult thing to do and, as far as Mombasa is concerned, it is hard to arrange it when just at the present moment we get constant appeals from the home authorities, including the Prime Minister, to do everything we possibly can to keep the ships moving. I hope that with developments in North Africa the position will not be quite so acute and that it may be possible to arrange for holidays and leave. I quite agree that all work and no play is not a satisfactory method on which to run the Administration, and I shall be only too pleased to be able to arrange things so that these men can have a well-earned and well-deserved rest.

In regard to the wastage of transport by the Services. The matter is under consideration and correspondence between myself and the naval and military authorities. The latter have arranged to post two officers whose job it will be to assist the Railway administration in stopping wastage of rail transport. Every effort will be made by me, and every instance is taken up with either of these authorities, but what may sometimes seem wasteful transport we are assured by them is transport absolutely essential to winning the war. Another point he raised was lack of action by the Railway Administration regarding the Willan report. It is a matter I have already dealt with, but the fact is that the Railway Administration is the only one which did anything in regard to the recommendations made by that commission. Another point made by him is that somewhere in the estimates the question of African wages and rates of pay should be shown. It is a matter I will arrange in future years on the general statement, showing the staff employed, salaries and so on, and it can also indicate the same reference to African labour. In regard to the curtailment of civilian travel by passenger trains I have already mentioned this, and I again say, as I have said on many

[Mr. Robins]
occasions, that I am quite willing to consider any constructive suggestions which may be made, but it must not be assumed that because those suggestions are not accepted that the Administration is opposed to receiving suggestions. The restriction on civilian travel to three days a week is in my opinion not a practical suggestion any more than trying to restrict the military to the other days. We should immediately be told that movement by the military is absolutely essential to winning the war. Therefore, I do not think that a reasonable solution any more than rationing or priority are reasonable solutions or are found to be so in other countries which have similar difficulties. In regard to the appeal to employers to restrict leave of their labour, I asked them as far as possible to restrict leave involving transport to once a year, which is what we are trying to do on the Railway Administration and in which Government is trying to assist me by doing so with their staff. Therefore I thought it only reasonable to ask large employers of labour to fall into line. I have no objection to leave which does not entail undue rail transport.

The hon. Member for the Western Area raised the general question of the relationship of the Railway and Government, which has already been dealt with. He also made the point that no amount was included in the estimates for cost of living relief. That matter is under consideration generally by the Government of Kenya and by the Railway Administration, and it has not been overlooked. In fact, it is very prominently before us just at the present moment. Regarding fares and the suggestion put forward that they are very high and that there might be some reduction, I think the hon. member has overlooked that this is about the only country which has not attempted to restrict passenger traffic by increasing fares. They have remained at the same level, with the exception of certain concessions, whereas in neighbouring countries the fares have been increased as a deterrent to travel. The hon. member Dr. Wilson raised several points in regard to his hardy annual—another King Charles' head—about the relationship of the Railway and the Government.

He also raised two questions, but I very much regret that I have not the figures before me which enable me to give an answer. But if it is satisfactory to him, Sir, I will supply the hon. member with a written answer to the two points which he has raised.

The hon. member Mr. Paroo raised the question of Indian representation on the Railway Advisory Council, a matter which has received consideration from time to time. No member of the Railway Advisory Council is there to represent any particular section or any particular interest. He also said that travelling on the railway at the present time is very uncomfortable, particularly owing to the noise and so on. I agree with him entirely. Railway travelling at the present moment is extremely uncomfortable and no one regrets it more than I do. No one before the war had greater pride in the way we catered for passenger traffic than I, and it makes me very sad indeed to have to ask the public to-day to put up with these conditions, and I also have to put up with very similar conditions. He complains about the noise. The real reason for that is that we are just running the stock to death; we are trying to do repairs while the train is standing—for about one and a half hours—in Nairobi station, and how long we can continue in this way I do not know. That is why I must again refer to the question that we are out of touch with realities. The fact is that the position is serious, the importance of economizing is very real and we cannot expect to escape noise and inconvenience in present circumstances.

In regard to the point raised by the hon. Member for Trans Nzoia in connexion with a lorry service between Eldoret and Kitale, I have not had a chance to look into that matter, but I will do so. But so far as additional trains are concerned it is almost impossible. As I have explained from time to time the position is that we cannot deal with what we have got at the present moment and cannot go venturing into finding additional traffic to handle just now. He also raised the question of making a cut-off between, as I understood it, the Kisumu line and the Uasin Gishu line, and said that it would involve eleven

[Mr. Robins]

miles of construction. No survey has ever been made and I do not know whether it would be eleven miles or more, but I do know that there are not eleven miles of track in the country. We could only get eleven miles of track by calling upon the resources of the Allies specially for use out here. We are so short of track that I am unable to comply with many requests made by Service authorities. He also raised a question about the Railway buying blankets and issuing them to their staff at no profit. I have already dealt with that because in regard to certain labour the Railway Administration has provided them with blankets, and in that connexion I should like to mention that and the point made by the hon. Member for Kiambu in regard to the care which we have for our staff. She raised the question that she was supported the other day by another member in regard to natives travelling on fuel trains. Well, the alternative to giving them a lift in a fuel train is to leave them behind in the forest, probably where it is raining and where probably they would have no mackintosh but they are not Railway employees. Also I noticed yesterday when travelling down from Uganda a very considerable amount of rain and a number of farmers' and other peoples' lorries at the various goods stations loading goods in the rain, and I did not see any mackintoshes provided for the labour who were dealing with these commodities at the goods stations.

Now, Sir, I think that I have answered honestly and to the best of my ability questions that have been raised and the criticisms which have been levelled against my Administration. I can only say that I am very proud still to be the head of that Administration and that the greatest critic of the performance of the Administration is myself. (Applause.)

The question as it related to each of the Estimates was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 15th December, 1942.

Tuesday, 15th December, 1942

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 15th December, 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 Monday, 14th December, 1942, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 92—NATIONAL PARKS

Mr. COOKE:

Is Government aware that the Game Policy Committee, whose sittings have been temporarily suspended owing to the war, has in contemplation the setting aside of large portions of land as national parks?

And will it give the assurance that before any contemplated irrigation or other schemes which might interfere with the establishment of such parks are put into effect, it will get in touch with the Game Policy Committee on the matter?

Mr. RENNIE: The answer to the first part of the question is in the affirmative.

With regard to the second part of the question the Government will keep the Game Warden informed of any major schemes which might conflict with the proposals the Game Policy Committee has in mind.

NORTHERN FRONTIER PROVINCE POLL TAX (AMENDMENT) BILL

FIRST READING

On the motion of Mr. Harragin the Northern Frontier Province Poll Tax (Amendment) Bill was read a first time, and notice given to move the subsequent readings at a later stage.

STANDING ORDERS SUSPENDED

Under Standing Rule and Order No. 108, with the consent of the President, the hon. Attorney General moved that Standing Rules and Orders be suspended to permit the War Revenue (Customs

and Excise Duties) (Amendment) Bill to be passed through all its stages at this sitting.

Mr. Brown seconded.

The question was put and carried, and Standing Rules and Orders were suspended.

WAR REVENUE (CUSTOMS AND EXCISE DUTIES) (AMENDMENT) BILL

BILL

FIRST READING

On the motion of Mr. Harragin the War Revenue (Customs and Excise Duties) (Amendment) Bill was read a first time.

SECOND READING

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

I am helped by the fact that, fortunately or unfortunately, hon. members are familiar with the form of legislation by which increased duties are imposed during war-time, and it will not be necessary for me to embark on explanations of the form of the Bill except to point out that the date of expiry is settled by clause 5, a date in relation to the end of the war. On the 9th of December, in your Communication from the Chair, Your Excellency explained the circumstances in which this proposal to impose additional taxation was brought before Council and that the Governments of Uganda and Tanganyika were taking a similar course. The main feature of the Bill is that it proposes to place additional taxation on non-essentials used by all races who make up the population of Kenya. To this extent the proposed taxation is optional, and it is only to the extent that to many to whom the use of nicotine has become a habit which they will not wish to discard the additional revenue will accrue. I shall not be distressed if this legislation fails as a revenue measure in so far as the customs import duty is concerned, because even though they do the Bill will have achieved other important objects such as saving dollar exchange and shipping. I must apologize to the hon. Member for the Coast and the hon. Arab and

Indian members in advance for saying that this taxation is optional to everyone, because I am well aware that, owing to the dictates of their religion as Mohammedans, to a great number of their constituents the use of tobacco is not optional. Hon. members will have heard on the wireless last night that rations in England have been reduced in order to make shipping available for the second, possibly a third, and still possibly a fourth front, and in those conditions I do not think we should object to taking steps to making shipping available which otherwise would be used for the carriage of non-essentials.

Hon. members may well ask why in these circumstances the import of tobacco is not forbidden. I suggest that the answer to that is that to do so would be to strike such a blow at our revenue and to interfere so severely with the local tobacco industry that it would in fact hamper our war effort. The position at present is that large quantities of East African tobacco can only be used if they are blended with imported tobacco. A change in public taste is being effected because the amount of imported tobacco is being reduced, and I hope that the imposition of the higher taxation foreshadowed in this Bill will have the effect of decreasing the amount of imported tobacco and increasing the use of locally grown tobacco. In this connexion I have been at pains to discover that stocks in existence of East African tobacco are ample to supply our needs. Before I leave the question of imports, I would remind hon. members that the import duty rate in Britain on cigarettes is Sh. 34/70, while under the new proposals ours will be Sh. 16/50. That is less than half the rate in the United Kingdom, and it will still be possible to sell in East Africa imported cigarettes of the same brand at about 70 cents a tin less than they can be sold in the United Kingdom.

I will now turn to the excise proposals. It will be seen that the proposed excise duties are still considerably below the customs duties, but the increases, in so far as excise duties are levied on imported leaf used in the manufacture of local cigarettes, should also be a limiting factor on the import of tobacco, thus saving shipping space and dollar ex-

[Mr. Tester] change. When imported tobacco is incorporated into local cigarettes the whole blend becomes liable for excise duties. Under the new proposals, local cigarettes made with a mixture of imported leaf and local bright flue-cured tobacco will cost about a cent a cigarette more. Those are the higher type of locally made cigarettes. As compared with a tin of 50 imported cigarettes costing about Sh. 4, the local cigarettes will cost about Sh. 2/10; that is to say, you can buy a good brand of locally made cigarettes in East Africa at less than half the price you would be able to buy a tin of cigarettes in common use in the United Kingdom. That deals with the more expensive class of imported cigarettes. Coming to the second class made from local dark leaf tobacco, they will cost half a cent extra. Thus if a person uses six cigarettes a day I calculate that during a month he will have to pay just under Sh. 1 extra for his consumption; on the other hand, he may opt to adopt an austere manner of life and use four cigarettes a day, in which case he will not have to spend any extra money at all. In regard to the third class of cigarettes, made from shag, the excise duty on the manufactured leaf is not so high, with the result that it will still be possible to sell a hand-made cigarette made from shag at a cent a time. I suspect, however, that the cigarettes will perhaps be more slender than in the past.

The amount of excise duty estimated to be collected is £60,000, and it will be appreciated that excise duty is derived from tobacco products used by all classes and not by Africans only as sometimes appears to be thought. First of all, the excise duty as I have explained, is levied on the high-class locally made cigarette, and it is also levied on the cigarette manufactured from dark leaf tobacco; it is also levied on the shag tobacco. I do not anticipate, although it is a matter of choice by the consumer, that the consumption of local tobacco will be reduced to such an extent that the revenue which we want will not be collected. There is too much cash, for example, in the reserves for a reduction in the consumption likely among a class which has suffered no additional direct taxation and where imported goods are in very short supply.

The additional cash from the excise will be welcome to the Treasury as revenue prospects are uncertain for the remainder of the war, and cash will be required for such development schemes as we can get on with here before the end of the war. It is absolutely unanswerable that the cash derived from excise duties will be put to a better use for the community if it is in the hands of the Treasury and at the disposal of the Legislature, than if it remained in the pockets of the people who use tobacco, and who I think can afford either to reduce their consumption or at their option pay the extra amount of duty. What, then, is to be expected from the imposition of this additional taxation? Firstly, a decrease in shipping space and dollar exchange; secondly, a financial inducement to adopt a more austere standard of living; thirdly, a fillip, which will have a permanent effect on local production and manufacture of tobacco; lastly, increased revenue if the users of tobacco products do not themselves decide to reduce their consumption to such an extent that it will off-set the increased duties. I think if any of these expectations come true it will be for the benefit of Kenya and need not impose hardship, and therefore I commend this Bill to Council.

MR. HARRAGIN seconded.

MR. COOKE: Your Excellency, I rise to oppose this bill, lock, stock, and barrel as it were. I must say that when I heard the proposal first I wondered from what source it emanated. I thought that it could hardly emanate from yourself, Sir, because you have always been a wooer of "My Lady Nicotine", and I thought it hardly emanated from the hon. Financial Secretary because when he introduced the Estimates he presented a picture which made the garden altogether lovely. But my doubt was removed when Your Excellency said that it emanated from the Standing Finance Committee. That gave me the biggest shock of all, because I thought that Your Excellency must have by some emergency regulation suddenly changed the personnel of that committee, because I knew that it was composed of a majority of non-officials. When I referred to their report on the Draft Estimates, I found it had not been changed, that my hon. friends the Members for Ukamba, Mombasa, Nairobi

[Mr. Cooke] South, the hon. member Dr. Wilson and the hon. member Mr. Kasim were still members. But it seems to me a most unprecedented action for the Standing Finance Committee to make a recommendation such as this before consulting in any way the other elected members. (A MEMBER: They did.) They did not! There will be an opportunity of replying to me afterwards. I wanted to draw that remark! When Your Excellency told us about the Bill, you told us it was a luxury tax. It seems to me it is not going to bring in revenue because obviously, if you put a large tax on a luxury, people will stop indulging in it, and you will not only not get the revenue anticipated but there will even be a shortfall in the ordinary taxation from tobacco duties. It seems to me that this is a most unfair measure in that it penalizes the poorer sections of this community, the poorer users who smoke, especially Africans, whose monthly budget will go up by Sh. 1 or more. You have had labour troubles and had to raise wages, and they will now say "What you give us with one hand you are taking away with the other". I must express my surprise that the hon. Member for Native Interests, Dr. Wilson, should have put his imprimatur to this measure. (DR. WILSON: No.) I am glad to hear that disavowal. I do not smoke very much myself so that I am perfectly unprejudiced, but it seems to me that tobacco has become a conventional necessity rather than a luxury in a country like this. And we have encouraged the natives to buy it and they are buying and consuming a lot of imported tobacco. It is not local tobacco that they smoke nowadays. Regarding it as a conventional necessity, I do not think this tax should be raised. I always like to have a sling at Government on these occasions, and I do say they are afraid of the vested interests all along the line, for there are plenty of other means of taxation. They could, for instance, put a tax on cinemas and other entertainments, and also on fruit machines which are doing so much harm in this country, if they are really anxious to get revenue. But they are not anxious. And I am at a loss to know what can be expected from so vexatious and controversial a tax at a time like this.

COL. KIRKWOOD: Your Excellency, I rise also to oppose the Bill before Council. As far as I know, this Bill is introduced at the instigation of the Governors' Conference, and I should like to be corrected if I am wrong, not by the Standing Finance Committee. The reason given is that we want to raise revenue at a time when the surplus balances are higher than they have ever been in the history of this Colony, and which still go on increasing notwithstanding the figures we have in the budget. It seems to me that we are prepared, as it were, to take the milk away from a blind kitten. (Laughter.) That seems to be the attitude. I am opposing this Bill, not on behalf of the Europeans, not on behalf of myself, although I am a smoker and would hate to be deprived of my smoke, because I know after a period of three score years and ten that a pipe is very soothing to the nerves, and if you have a difficult problem what does one invariably do? Fill a pipe and think it over. I wish to goodness that the Governors' Conference had thought it over before wasting the time of this Council in discussing what I consider a most unjustifiable taxation on this Colony. It has been stated by the hon. mover that it has been decided in England to restrict imports of food. I quite agree. They have such huge reserves that they can restrict importations for some time. I get airgraph letters from home, two or three a month, and there is no complaint about that. The remark I had in one letter recently was "What is the standard of living in Kenya? It is O.K. here". That is England. I do not want to disparage their war effort, but I do want the truth to be known, that they are not short of food in England. Thank God for that! I do not agree with always bringing in the troubles and casualties in England and comparing them with this Colony where we are not suffering as a result of the war. It is not an argument at all, it is not even common sense.

The other point made by the hon. Financial Secretary was that even with this extra taxation it will be somewhat below the taxation in England. What has that to do with taxation, in a pioneer Colony that is going to go through hell again after the war is over? By taking money out of circulation it is not going

[Col. Kirkwood]
to increase the prosperity of Kenya. The hon. mover also made the point that it would save shipping space by restricting imports. If that is the object, why not make a clear-cut issue and prohibit the importation of tobacco and leave it at that? When one looks at the figures at the bottom of the Bill of the amount of revenue to be obtained, £75,000, it is a fictitious argument that it is going to save shipping. They say the same amount of tobacco will come in and the excise revenue derived from the taxation on the same amount of tobacco at the increased rate. We all know, or should know, that increased taxation on the natives is most undesirable, whether direct or indirect, and this indirect taxation will put him out of the possession of tobacco. I know that on my own *shamba* it costs me Sh. 40 a month for the few boys I have in supplying them with cigarettes and tobacco, but I shall not supply them at these increased prices, and I shall not be the only one to do that. It is unfortunate, but there is a time when one has to take a stand, and I am taking my stand here and now and shall not supply a free issue of cigarettes and tobacco to my natives, as much as I shall regret not doing it. I am totally opposed to the Bill, I think it a most unwise measure, the objects and reasons are not laid down, and they are not facts, as increased revenue is not required. If it was, I am quite sure that everybody on this side of Council would be quite willing to increase the taxes on tobacco and cigarettes if they thought it would bring in increased revenue, but I am convinced myself that this increased revenue will not accrue; it will have the opposite effect.

I see no virtue in the Bill, for it will not meet any of the objects advocated for it. It may save shipping, but what does imported tobacco into Kenya amount to? It would not be so many tons in the whole of a year, and if it did save that it will not help to win the war by preventing the native from getting his smoke, which he values even more greatly than we do. I regret very much, Your Excellency, that the Governors of the other territories have thought it necessary to advise that this measure be adopted, and I oppose the Bill wholeheartedly.

MR. COULDREY: Your Excellency, I also rise to oppose the Bill. I do so on two counts. First of all, I do not believe the Bill is necessary to raise revenue; secondly, I do not like the way it has been introduced. I should have said on three counts as, of course, there is a third: because I believe the Bill itself has some very intrinsically bad features. A little over a month ago you, Sir, in making your speech from the chair at the opening of this session, announced that there had been no new taxation. As far as I know, the hon. members on the other side of the Council agreed implicitly with you and as far as I know nobody at that time suggested that any new taxation was necessary. It is therefore, I think, fair to ask, what is the factor that has brought about this conversion. I imagine it is not only the hon. Financial Secretary who is converted, but this conversion has spread further to all the hon. members on the other side of Council. What is the factor? I think, Sir, if I may say so, you yourself supplied the answer when you told us that it was the wish of the Governors' Conference. It is to me the most astounding thing that the mere wish of the Governors' Conference—although Governors, of course, are extraordinarily influential people—should be able to affect not only the whole of that side of the Council, but, as far as I understand, should be able also to influence the members of the Standing Finance Committee and some members on this side of the Council also. I am very glad to see that that influence does not necessarily reach myself and some of my colleagues. But if, Sir, in future, budgets are to be laid, and when they have been laid, and when the country has read all about them, it is intended to change the taxation of the country because the Governors' Conference wishes it. I do suggest that in future these budgets should be laid with a notice attached that they are laid subject to the approval of the Governors' Conference.

I was very interested to note that my hon. friend the Financial Secretary made not the slightest attempt to prove that the money was necessary. If I heard him rightly, in fact he said that if the money did not accrue it would not worry him, so obviously it is not being raised because fresh revenue is necessary. Why then is

[Mr. Couldrey]
it to be raised? The only thing I can think is that these Governors, sitting in secret conference, amid surroundings, I trust, of all comfort, think that these colonies should make greater efforts at self-denial. I will go a long way to agree with you over that, but I do suggest that these efforts at self-denial should not be made mainly at the expense of the poorest section of the community—the natives. This Bill of course is a Bill affecting civilians only. Members of the armed forces, quite rightly, receive their tobacco duty free and it will not affect them, and thus we have the anomaly of my hon. friend the Attorney General compelling the young men in the service of which he is a member to remain behind, much against their will, to do civilian work, and then he proposes to penalize them financially for so doing. That of course is only one point. My real point is that in my opinion this will be very hard on the natives of the country. Now, this Government has a very poor record as regards dealing with the natives over the last six months, and everybody who takes his duties seriously as a member for a constituency must be very suspicious indeed of any dealings the Government has with the natives. I understand that in Kenya the natives smoke a very different cigarette from that smoked by the natives in Uganda. This of course could be verified, but I believe they smoke a more expensive cigarette there. These natives, in my opinion, in order to be able to pay this extra duty, will inevitably demand that they get bigger wages, and before long you will have that inflationary process setting in, which this Government in every other capacity has gone to most inordinate lengths to stop.

Tobacco is said to have been chosen because that burden would be borne equally by all races. I submit that there will not be anything like equality of sacrifice. For coming to this Legislative Council this morning I shall receive, I hope, as much money as is the average wage of a native of this Colony for two and a half months. My cigarettes are going to cost me perhaps Sh. 1/50 a hundred more and his are going to cost him Sh. 1 more a hundred. Is it just; is it even common sense? I submit it is not.

I object to this Bill, though I know I am merely beating the air—and that it is already the law of the land, but I would implore you to consider allowing this Bill to go to a select committee, where they could seek evidence from the trade, so that any means may be investigated whereby the cost of tobacco especially used by the natives of Kenya could be reduced. I oppose the Bill, Sir.

MR. NICOL: Your Excellency, as a member of the Standing Finance Committee I think it is only fair to that Committee to say that it was not a specific recommendation of theirs that a Bill of this nature should be introduced. As a matter of fact when this matter was discussed I was very much opposed to it from the point of view of raising the taxation of the native on his luxuries. I will deal with that point in a moment. What we did recommend was that it would be as well to examine the customs and excise duties on luxuries as a whole. The only merit that this Bill has, as far as I can see from the import duty point of view, is the saving of shipping space and dollar exchange. As far as the native is concerned it is going to mean the vicious circle of inflation and he will be coming along for an increase in wages. There is one other thing to be borne in mind, and that is if the native finds his cigarettes to-day are going to cost him more than he can afford and cannot get an increase in wages, there is the danger that he may start smoking some other weed much more injurious than tobacco. I do think that is a point that has got to be watched.

MRS. WATKINS: Your Excellency, I rise to oppose the motion from two points of view; one is that we received an assurance from the hon. Financial Secretary that no extra taxation was going to come upon us this year, and we believed it, and then we are told that the Governors' Conference, or some other authority, has thought otherwise, and there it is.

I do not oppose it so much from the white point of view as from the native point of view. I think the taxation of the native should not be increased in what they will think is a surreptitious manner, which is not direct taxation, but they will think that it is an extra tax that has been

[Mrs. Watkins]
put across them rather quickly. I think it is a great mistake from that point of view and I should like to have an assurance from the hon. Financial Secretary, if he is able to give it, that there will be plenty of the cheaper cigarettes on the market, because generally if one goes in to buy cigarettes for one's labour one finds that there are none of the cheaper ones and you either have to buy the more expensive cigarettes or go without. And if I discover that myself once or twice I think the natives find it every time they go in to buy cigarettes. That is another difficulty. If I may speak for one moment beside the point, I notice there are a number of school girls in the public gallery to-day and I should like to welcome the new generation.

COL. GROGAN: Your Excellency, when you referred to this matter, the other day you used the following words: "The Standing Finance Committee considered the question of the imposition of additional taxation and recommended that the Government should consider further the desirability of increasing taxation on luxuries. No recommendation to this effect was embodied in the report itself, as it was thought inexpedient to do so, but the Chief Secretary, as Chairman of the Committee, was authorized to convey the Committee's views to me personally". You said that you rather welcomed this recommendation. We naturally absolve you from any misinterpretation on this question, but it is quite clear to us who are members of the Standing Finance Committee that whoever drafted that statement, for you must have been guilty of a very considerable amount of etymological sloppiness. (Laughter.)

What happened in fact was this. The Chief Secretary mentioned to us at the end of a very long sance that Your Excellency would like to have views from members of the Committee as to what particular forms of taxation should be increased if such decision to increase taxation was come to, and I asked the Chief Secretary to ask Your Excellency first of all whether it was not an inappropriate moment to discuss such an important question—about half-past five in the afternoon—and I suggested that if it was going to be discussed at all that

there should be an *ad hoc* meeting for that purpose. But as a prelude we asked that Your Excellency should be invited to tell us what justification you believed there to be for any additional taxation and to what purpose such additional taxation would be applied. At a later date this matter was resurrected, and I asked what justification had been brought forward, and the only information we were given was that it was a general movement for austerity. Well, there are all sorts of interpretations of the term "austerity" in war time. My interpretation of "austerity" is "Calvinistic bunk", and I suggested to my hon. friend the Chief Secretary that if he wanted to feel a bit more austere, as he himself is a non-smoker and a non-drinker, he might try a hair shirt and sitting on drawing pins. (Laughter.) That is all that happened. We did in fact discuss the question as to what particular forms of taxation would cause the least damage to the community, and among others the question of tobacco was certainly discussed, and I said that as far as I was concerned, being a very determined consumer of peculiar forms of tobacco, brought in at a very, very small initial price from the land of origin and dumped on me at a very, very high price in Kenya, as far as I personally was concerned I did not mind what they put on tobacco as I would stop smoking if it got beyond a certain point and go back to the local bonfires. (Laughter.)

I suggest that these things ought to be thought out a little bit more carefully and if it is going to be stated that the Standing Finance Committee has actually made a recommendation, I think that the exact words of that recommendation might have been submitted to us in advance and approved. We had no idea whatsoever that we were going to be interpreted as having made a recommendation for increased taxation, because my recollection of the discussion was to the effect that nobody there, except for this vague tale of austerity, could see any justification whatsoever for increased taxation. Whether it is the best form or not I am not going to discuss here and now, because there it is. It is not, as the hon. Member for Nyanza says, the law of the land; it is merely dumped on the

[Col. Grogan]
community before it has become the law of the land. It is the usual practice and a very undesirable practice.

DR. WILSON: Your Excellency, as another member of the Standing Finance Committee I should like to associate myself with what has been said by my two colleagues. AS the last speaker said, there was a sort of free-for-all discussion about the possibility of increasing taxation on luxuries. But the point I want to make is that since that discussion I have been told that the actual influence of this increased taxation will fall mainly on the African; that is to say, as regards the total consumption of tobacco, for it will fall, if the facts are correct, something like 85 per cent on the African. I know it can be argued that there are three and a half millions of Africans as against a few thousand Europeans, but if these facts are correct the greater part of the £75,000 which is expected will be taken from the Africans. We have been told that this will not be taken from the military forces; in other words, that the best-paid African at the moment will not bear any part of this taxation. We have been told that there is a great deal of money in the reserves; on the other hand, a great number of our Africans are more hard hit by the increased cost of living than any other section of the community, and if this extra taxation is going to come on that section of the native population I think it is unfair. It really boils down to this: Is smoking for the African a luxury? I suppose as one who gave up this luxury, this practice, some years ago that I should welcome the Bill. On the other hand, as the hon. Member for Trans Nzoia said, a non-smoker does suffer from a certain amount of irritability at times, and I hope my objection to this Bill will not be put down to that. But if tobacco smoking will lead to a more contented state of mind I submit that at the present time its use should not be restricted, especially if there is any risk as suggested of Africans becoming addicted to worse drugs.

The hon mover gave four reasons for this Bill, and I hope he will not mind if I suggest they are four excuses, and that one good excuse is better than four bad ones. He said it would save shipping,

would lead to greater austerity, encourage the local production of tobacco, and might lead to increased revenue. The first three reasons or excuses could be met by increasing the duty on imported tobacco and leaving excise alone. But, as I say, I cannot help feeling that this has rather been sprung on us, and as it has been said, in the Standing Finance Committee, it was not seriously considered by hon. members. Speaking on the spur of the moment, I do suggest the case might have been met by increasing the import duty on tobacco and leaving the excise alone, in which case the native would not have felt it so hardly and the extra revenue would or would not have accrued and shipping space might or might not have been saved. With regret I oppose the Bill.

MR. VINCENT: Your Excellency, for the second time in the last few months we have had a battle for increasing customs duties. You will recollect that we started off with the Petrol Bill, and now we have the present Bill. The trouble seems to be that the methods which are adopted are entirely wrong. There are apparently decisions made by the Governors' Conference regarding increased duties and, therefore, the necessity for precise action at the same time throughout the various territories. In fact, increase in duty and changes in policy are formulated and decided upon before we are even consulted. For that reason we seem to waste a great deal of time in this Council arguing back and forth as to the implications of taxation, etc. I do suggest that it would save a great deal of time and a great deal of money if in the Governors' Conference an idea is mooted or a decision is about to be arrived at, that the avenue of taxation should be examined then and that the elected members on this side should be given the opportunity of expressing their views to the Governors' Conference as affecting this country before the taxation becomes a fact or comes before this Council. We were asked on Standing Finance Committee as to what we thought of various avenues of increasing taxation or the possibilities of them, but I do not recollect us making any definite recommendation regarding tobacco. Personally, I did not examine its implications as far as

[Mr. Vincent] the native was concerned, and I believe that both the time and thought on that committee were given to the results of the duties on imported tobacco. As far as the Bill is concerned, I shall oppose it as affecting the native unless I can be reassured that the figures given us by the hon. Financial Secretary this morning are inaccurate or unfair, because if you take the percentage in the increased cost to a native who is a smoker, whether it is a luxury or not, as compared with the average European, it is very high. Of course, you have the difficulty again of the cost to the lower paid Europeans, but I believe Europeans as a whole will uncomplainingly bear any burden which this Bill imposes on them. But I think we are mistaken in the procedure, that we should examine these suggestions before a measure is put in front of this Council, and I am sure it will be fairer to the country and save Government a great deal of unnecessary embarrassment.

MR. MONTGOMERY: Your Excellency, in another place I agreed to this measure, and I have not changed my mind and shall now vote for it. It rather intrigues me the way the native is brought into the picture when a proposal is discussed which may affect other races. We have heard from two hon. members, I think, that there is a fear that because of increased taxation they will have to pay more wages to their labour. Another hon. member gave me to understand that he would save £2 a month by not giving free cigarettes to his natives—I hope I understood him. I have heard hon. members say that we ought to increase the direct taxation, but when we talk about indirect taxation which affects them there is a tendency to talk about the poor native.

MR. PAROO: Your Excellency, when measures such as this are introduced I always find the mover puts up an argument that by their religion Indians or Arabs are prohibited from sharing in it. It is true that tobacco and wine are prohibited in the Mohammedan and other Indian religions, as well as those of Arabs, but in modern days the temptation to indulge in such luxuries is so great that all the inducements of religion are brushed aside, and therefore

this taxation also affects those communities whose religions prohibit the use of those things. The whole point is whether to-day we require extra taxation or not. At the time of discussing the budget Government was congratulated on not introducing any measure of taxation for 1943, and a few weeks afterwards I find a Bill for extra taxation, although that taxation is indirect. If the taxation is required, I can only agree to this extent, that it should be put on luxuries and non-essentials. I do not know how far we can call tobacco, after so many years' consumption, a non-essential. It is going to affect the native, and perhaps equally Asians and Arabs, and I feel more inclined to agree with the hon. member Dr. Wilson when he says that we should increase the duty on imported cigarettes and tobacco which will perhaps bring in the revenue, and those people who consume them are those who can well afford it, and leave out the excise duty.

MR. NORTHROP: Your Excellency, the criticism has been made on the other side of Council that the taxation on the native is too high under the measure proposed, and it might be as well for me to explain how the figure of Sh. 3/50 was fixed in regard to locally manufactured tobacco, smoked in the form of cigarettes by the natives generally of the country districts. During discussions with the manufacturers at Jinja, in company with the Comptroller of Customs, Dar es Salaam, it proved evident that the cost of the locally manufactured cigarette must go up by at least half a cent. It was thought originally that a figure of Sh. 2/50 was a sufficiently high increase, but, as I stated, during the discussion the manufacturers agreed that this figure of Sh. 3/50 per lb. was a more suitable increase, thus raising the price by one half cent a unit. It is a matter of simple arithmetic. The ordinary type of native-smoked cigarette averages 700 to the lb., and 700 half cents equal Sh. 3/50.

MR. HOSKING: Your Excellency, like my hon. friend representing native interests, I find myself in a somewhat embarrassing position in defending a measure which affects the natives so strongly in the face of a practically united front

[Mr. Hosking] on the opposite side of this Council. I gather that we need not worry about revenue; we need not worry about shipping space or dollar exchange, provided we do not interfere with the native. Other questions I will leave to a more competent person on financial matters than myself, but on the native one I will speak. I would point out that the witch doctors are doing a roaring trade to-day in selling protection for money buried in holes in the ground; that the proceeds of the bean crop in one part of Embu would suffice to pay the tax for the whole of Embu; that the family remittances coming to Machakos would suffice to pay the Machakos tax; that the native capitalist, the cattle-owner, is perforce cashing in on his capital and has more money now than he has ever had before or will ever have again.

MR. COOKE: Your Excellency, on a point of explanation, I was referring to the urban native; that is the native who is hard hit by these taxes.

MR. HOSKING: Why then, Sir, have we consistently opposed the increased direct taxation of the natives? And the answer is because of the maldistribution of this money that is coming in to the native areas. It would not be fair to have a general advance in direct taxation because it would hit the poorer people more relatively than the richer, but if you tax a luxury you can get at the man who has money to spend, and there is no doubt that there are thousands of natives who have more money than they know how to spend at the present time. The Provincial Commissioners and I discussed this matter of native taxation over two years ago, and we have it always under review, and our considered recommendation was that if additional taxation was required it was preferable that it should be indirect rather than direct. It gives me great pleasure to see the attitude taken by the hon. members opposite: "Hands off the natives; no increase of native taxation." I would remind hon. members that there is a certain danger in using the native as a political pawn, because a pawn only moves forward and eventually reaches on the board a dominant position.

On the subject of the need for austerity I would point out that we have had to scale down ourselves. We use local marmalade instead of Cooper's Oxford marmalade; we cannot get Barelays beer, and we drink what they call beer in Kenya (laughter), and it is not that the native has no alternative to the cigarettes that he has been accustomed to buy. I would point out that the native is also a large consumer of tobacco in the form of snuff, and he has an alternative in this local shag. I would ask my hon. friend the Member for Trans Nzoia, who seems to have taken to his pipe as soon as he left off his bottle (laughter)—

COL. KIRKWOOD: On a point of explanation, it is perfectly true. (Laughter.)

MR. HOSKING: —not to cease giving his ration of cigarettes, but to give his labour the inferior local product in lieu of one that requires imported tobacco.

MR. RENNIE: Your Excellency, as Chairman of the Standing Finance Committee, and apparently the wearer of the hair shirt in the woodpile it is incumbent upon me to make a few remarks, I think, at this stage. In the first place, I should like to make it clear to those hon. members who have said that this was a decision of the Governors' Conference that such an impression is entirely incorrect. At the most recent meeting of the Governors' Conference the Governors gave consideration to the question of additional taxation and of curtailing expenditure on luxuries. This particular method of taxation was one that they considered, but they left the question to be investigated by the Commissioner of Customs in consultation with the Financial Secretary of each territory. The Commissioner of Customs carried out that investigation and each of the territories independently, as it were, on his advice and on the advice of the Financial Secretary concerned, came to its own decision, and so far as Kenya is concerned it was informed at a rather later stage than the other territories of the decision that Uganda and Tanganyika had taken.

Turning to the question of the Standing Finance Committee recommendation, if recommendation it may be called, I admit I made one very grave mistake over the deliberations of the Standing

[Mr. Rennie]

Finance Committee, a mistake I hope I will not repeat. I was very anxious that a paragraph containing the Committee's recommendations in respect of additional taxation on luxuries should be embodied in the report. The views of the members, however, were that no such paragraph should be incorporated, and I bowed to their superior wisdom. We see the result here to-day—a difference of opinion as regards the actual views expressed by the members. Fortunately, however, there is some record of what hon. members stated, and since the hon. Member for Ukamba has entered into some detail as regards the discussion that took place, perhaps I would remind him that so far as he and I are concerned the austere discussion took place very largely between ourselves on the last day when we were considering the report of the Standing Finance Committee in draft. The matter of additional taxation was broached by me one afternoon, and I asked for the views of the members of the Committee on the question. One member said he would like further time to consider it, and the matter was left there, but it was brought up on a later occasion and the discussion ranged over certain measures which were considered, and the result I have here in a note: "The Committee agreed that Government should consider increasing taxation on luxuries." The hon. Member for Mombasa has mentioned this morning that he opposed, in our discussions, an increase on tobacco. That is perfectly correct. I have it in the note before me, and I also have on the note that the hon. Member for Ukamba said that tobacco, even for natives, is a luxury and could stand further taxation.

COL. GROGAN: On a point of explanation, on the question of whether it is a proper tax or not, I merely objected to having it conveyed to Your Excellency as a recommendation when no such recommendation was in fact made.

• MR. RENNIE: The "austerity" discussion, as I said, occurred later when the hon. member and myself were in a more argumentative mood, shall I say, on a Saturday morning, and had the field fairly clear; there were only one or two

members of the Committee present at that time and he and I were aware that we could indulge our argumentative bent to our hearts' content without interfering too much with the time-table of other members. I may say we did give full indulgence to that bent on that occasion. (Laughter.) So far as the Standing Finance Committee is concerned the agreement finally reached was that the Government should consider increasing taxation on luxuries and that I should convey that view of the Committee to you. I did so, Sir, and since, as you made it clear in your address from the chair the other day, Government, in consultation with the other East African Governments, had been considering additional taxation on tobacco as one of several measures that were feasible in present circumstances, the decision was finally taken to introduce taxation on the lines that we have before us for consideration to-day.

Now there are one or two specific points made by hon. members to which perhaps I might refer. As Chairman of the Standing Finance Committee I am most reluctant to allow the impression to prevail that our surplus balances are such at the present time that we should pay no attention whatsoever to a balanced budget. The hon. Member for Trans Nzoia stated that our surplus balances are larger than ever before. I have not checked up on the accuracy of that particular statement, but all I can say is that I hope our surplus balances will be a little higher than they are at the present time if his further prediction is going to be correct that this Colony is going through hell again after the war is over. I should think it would enable us to go through hell rather more peacefully, quietly and conveniently if we had large surplus balances to pave the way through hell. (Laughter.)

COL. KIRKWOOD: On a point of order, the point I tried to get at the back of everybody's head was that after the war we are going through hell—financial hell. We have not got over the effects of the last war, and it is from that point of view I was speaking. I was thinking about the people on whom you are piling on unbearable taxation.

MR. RENNIE: I do not think the hon. member's statement detracts anything from my argument. The hon. Member for Nairobi South has stated that wrong methods had been adopted in the introduction of this taxation, and suggested that elected members should be given an opportunity of expressing their views before the taxation becomes effective. As far as was possible, I thought Government was attempting to do that by raising this matter in Standing Finance Committee, and after I was authorized by that Committee to suggest to you, Sir, that Government should consider increasing taxation on luxuries, I was under the impression that in actually putting into effect, as is proposed this morning, additional taxation on luxuries Government was carrying out, as it were, the wishes of the Standing Finance Committee. If there has been any misunderstanding on that particular matter, I hope it will not occur on a future occasion and that we shall have something on record in our report which will say exactly what was the wish of the Standing Finance Committee and we shall be saved such a discussion as to what actually occurred in the Committee as has occurred this morning.

MAJOR CAVENDISH-BENTINCK: Your Excellency, it seems to me that what is basically wrong in connexion with taxation measures is the method adopted in their imposition. This is not a new subject, and I thoroughly appreciate the difficulties which are entailed in the imposition of taxation measures in that if the knowledge is broadcast of what is at the back of Government's mind it may lead, especially in this country, to a very large amount of gambling, which would be undesirable. At the same time, this triple territorial cumbersome method of government, with a Governors' Conference which does whatever Government may say, very often initiate these proposals, coupled with the fact that elected members who, after all, do represent the taxpayers, are kept entirely in the dark until the new tax is a *fait accompli*, does naturally lead to resentment by members on this side of Council. They are suddenly faced with a new form of taxation, the incidence and effects of which they have no knowledge, and not unnaturally

they very often would like more time to consider the facts before they agree to it. I feel that it might be possible for Your Excellency to interview elected members on the day on which any new taxation project is going to be introduced, in private, and to allow them to discuss with those who are responsible for drawing up the plan the pros and cons and the effects; then, if they felt that the proposal was undesirable, they could at least debate the measure in Council with some knowledge of what is proposed and how much money is going to be got out of it and who is going to pay. This is scarcely a matter which can be discussed to-day, but it remains an open sore, and has been for years past, and I repeat that it has partly been caused by the ridiculous system of three British territories lying alongside each other, with artificial boundaries even drawn between tribes, three separate governments and a top-heavy Governors' Conference at the top.

Turning to the measure itself, I naturally am, not very pleased by seeing the extra tax proposed as, in common with my hon. friend the Member for Ukamba, I smoke a not very combustible and highly odoriferous type of tobacco in considerable quantities. Nevertheless, I also note that we are budgeting after the return of the Estimates from the Standing Finance Committee for a deficit of £92,617. True, we have fairly large surplus balances, but a good deal of those might be said to be earmarked for possible contingent commitments for war purposes. There are contingent liabilities by Government; for instance, in connexion with increased production. We none of us can say, although we are happy to see a very much brighter prospect, how long the war will go on, and I do feel that it is our duty to produce as much money as possible for war purposes. Our first job is to win the war, and that consideration, I submit, comes before that of people keeping money in their pockets for a rainy day which may come after the war, because if we do not win the war there will be no rainy day or any other day for us afterwards. It may be said that these moneys which are going to be collected by this form of taxation will not be spent on war purposes but will merely go into the coffers of this

(Major Cavendish-Bentinck) Government. I do not hold by that argument, because the coffers of this Government should be available for war purposes, and, indeed, I think they have been opened widely for these purposes and are available. We are also told that this tax is going to be very burdensome on the man with a very small regular income and on the native. I admit there are people earning very small salaries who are already very hard hit by the war, but the proper way to remedy that position is that which has already been accepted, which is to review the position of those people and to produce some form of comprehensive remedial measures to help them. They are, however, in a minority, and I am afraid I cannot agree that the native of this country, by and large, is to-day very poor and over-taxed. I consider the native to-day, by and large, is richer than he has been since I have been in this country anyway, and I should think ever before. His contributions in taxation are not very excessive, and I do not believe this further incidence is going to do the native any harm whatever.

One is worried when one sees these rather complicated Bills as to whether the basis of incidence of taxation has been very carefully thought out. That is why, at the beginning of my remarks, I suggested that these are matters which should be explained in private to elected members of this Council before these measures are introduced. I am, however, informed that this Bill has been drawn up in consultation with the trade. I would like to have that verified, because it is an important point, as I presume that the people who know most about distribution and the amount of money expended on tobacco would be the trade. It has also been suggested that if money is wanted, other and better ways of providing it could have been thought out. It has been suggested that there should be taxation on those who go to cinemas and that those who patronize fruit machines should contribute. I think the cinemas are mostly used by His Majesty's Forces, at any rate, in this town, and I do not think we want to tax them. As regards fruit machines, well, I do not think they would bring in very much revenue. One might talk about dancing halls and

night clubs, and I would like to see them taxed, but I doubt whether they would bring in very much revenue. If, as I presume, Government has decided that we should try as far as possible to avoid a considerable deficit in our Estimates, if they feel it is our duty to contribute as much as we can to the war effort, and I do not think that we are really contributing very harshly compared to what other parts of the Empire are doing, then I cannot see that a measure of this kind is unreasonable.

LORD FRANCIS SCOTT: Sir, I will not detain the Council long, but I would like to get one matter cleared up in my own mind. What actually did the Standing Finance Committee recommend? I understood that they had recommended that, in view of the large deficit portrayed in their report, additional taxation was advisable for the country and had recommended that it should take the form of taxation on luxuries, and while they did not specifically produce this bill tobacco was one of the things suggested. Personally, as an unrepentant non-smoker, I consider that any measure taken to reduce that pernicious habit or a luxury is advantageous and, as far as the bill is concerned, I have no objection to it. But I should like to have it quite clear that the Standing Finance Committee which went carefully into the question of the finances of the Colony, did consider that additional tax was, if not absolutely necessary, certainly advisable. I should like also to associate myself with the remarks of the last speaker on the general principle of the way these money bills are dealt with. There is no question about it, it is unsatisfactory at the present time, and it has led on more than one occasion to perhaps unnecessary arguments and debates that could be dealt with in a more satisfactory manner from the point of view of this Council.

MR. KASIM: Your Excellency, I associate myself with what the hon. Chief Secretary said. It was decided by the Standing Finance Committee that nothing should be inserted in their report about a duty on luxuries, especially for Africans, as it was thought that speculators would take advantage of the information.

MR. TESTER: Your Excellency, the hon. Member for Trans Nzoia made some interesting remarks in his speech on this bill, and one was that taxation in pioneer colonies should not be at the same level of that in more settled states. I entirely agree with him, and if hon. members will cast their minds back they will remember that in my opening budget speech I made practically the same remark as the hon. member. But, in regard to this tobacco taxation, one could hardly say that we are imposing taxation on a United Kingdom level when the import duty proposed is less than half the rate in the United Kingdom; neither do I think that the people whose pockets are going to be lightened by this taxation are those who are going to spend a great deal on development. The hon. Member for Nyanza seemed to think that I did not care at all whether the duties were collected or not or about the revenue position. What I implied was that it would not amount to much if the customs duty were not collected, because with the amount of additional saving in shipping and dollars and with the stimulus in the local production of tobacco which would be effected with a smaller amount of imported tobacco it would still be a good thing. In regard to the excise duty, I feel quite sure it will be collected, and that we shall get additional cash in the Treasury, and there is no doubt that, in view of the fact that we have an increased deficit since the budget went to the Standing Finance Committee, it will be doubly welcome.

If hon. members will cast their minds back a little time they will remember that when I introduced the budget I did remark that our surplus balances should be maintained and that as to the future, although we had done our best to forecast revenue, it was quite impossible to say what effect the progress of the war would have on it. I remarked that possibly the more successful the war, the more we got towards its end, the more in the narrow sense of the Kenya budget we might fall down. That this additional revenue is wanted, I agree entirely with the hon. Member for Nairobi South and the hon. Chief Secretary, for we have before us large schemes of development, and at the end of the war we shall

probably have great difficulty in arranging finance, and the only way to get on with development is to have money in the local coffers. The hon. Member for Kiambu asked for an assurance that cheap native cigarettes would be available. I can give the hon. member the absolute assurance that there are vast stocks of the tobacco used for this purpose in the territories of East Africa, and if there is trouble in distribution I shall be pleased to take up the question with the distribution agents or the Price Controller or any other body to see that the difficulty is overcome. The hon. Member for Nairobi North asked for an assurance that the trade was consulted. I think it was on the 1st of December that the Commissioner of Customs of Kenya and the Comptroller of Customs of Tanganyika met the trade in Jinja and went into these matters in detail. This was very fortunate, because the duty first thought of would have had the result of adding a margin of several cents on packets of cigarettes which would either accrue in broken amounts to the manufacturers or retailers, but it was found possible to find a rate of duty adding one cent or half a cent per cigarette. After hearing hon. members on the other side and giving the assurances required, and also explaining the necessity for this taxation, I recommend that this Bill become law.

The question was put and carried by 30 votes to 7:—

Ayes:—Mr. Blunt, Mr. Brown, Major Cavendish-Bentinck, Messrs. Daubney, Fazan, Gardner, Major Grogan, Messrs. Harragin, Hebden, Hodge, Hosking, Izard, Kasim, Lacey, Montgomery, Mortimer, Nicol, Northrop, Paroo, Paterson, Pedraza, Rennie, Robins, Lord Francis Scott, Messrs. Saleh Mahomed, Sheriff Abdulla Salim, Stronach, Tester, Tomkinson, Vincent—30.

Noes:—Messrs. Bower, Cooke, Coudrey, Col. Kirkwood, Mrs. Watkins, Dr. Wilson, Mr. Wright—7.

MR. HARRAGIN moved that Council resolve itself into committee of the whole Council to consider the Bill clause by clause.

MR. BROWN seconded.

The question was put and carried.
Council went into committee, and the Bill was considered clause by clause.

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

Council 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, and the Bill read accordingly.

RULING BY PRESIDENT

HIS EXCELLENCY: Before I call upon the hon. the Chief Secretary to move the motion standing in his name to which the hon. Member for Nairobi North has given written notice of amendment, in accordance with Standing Order No. 52 (vi), I should like to take this opportunity of disposing of the question that has been raised from time to time in this Council as to the right of the proposer or seconder of an amendment to speak later on the substantive motion after the amendment has been disposed of.

On the authority of Erskine May it is quite clear that according to the parliamentary practice of the House of Commons both the mover and the seconder of an amendment to a substantive motion are regarded as speaking to that substantive motion at the time when the amendment is proposed and therefore have no right to speak again after the amendment has been disposed of, nor is any right of reply allowed to the mover of an amendment. Further, while it is the case that the seconder of a substantive motion can reserve his right to speak later in the debate and formally second by rising in his seat, the same right does not apply to the seconder of an amendment, who must state that he is seconding the amendment and is thereby regarded as having spoken both to the substantive motion and to the amendment itself.

Whoever therefore proposes to second the amendment standing in the name of the hon. Member for Nairobi North

should, if he wishes to speak at all, do so then and not wait for a later stage in the debate when I should have to rule him out of order.

When once the amendment has been proposed and seconded and formally put from the Chair, members who elect to speak to the amendment will not by so doing be deprived of their right to speak later to the substantive motion, provided of course that they have not already done so before the amendment is moved.

DRAFT ESTIMATES, 1943

STANDING FINANCE COMMITTEE REPORT

MR. RENNIE: Your Excellency, I beg to move "That the report of the Standing Finance Committee on the Draft Estimates of Revenue and Expenditure for 1943 be adopted subject to such consequential alterations as may be found necessary in the Revenue Estimates as a result of the passing of the War Revenue (Customs and Excise Duties) (Amendment) Bill. I am glad to be able to report that the committee reached a large measure of unanimity in their deliberations and in the recommendations that they have made and as chairman of the committee I should like to express my appreciation of the thorough, painstaking and patient way in which they conducted their deliberations. I have already referred to the private argument between the hon. and gallant Member for Ukamba and myself on Saturday morning. As a result of their deliberations the committee recommended that the gross revenue estimates be increased by £78,810 and that there should be an increase in the gross expenditure estimates of £103,370. That will mean that the deficit which appears in the Draft Estimates as originally presented to this Council is increased from £68,057 to £92,617. I do not propose at this stage to comment on the effect of the additional taxation proposals which have been passed this morning.

I will deal first of all with the amendments as they appear in the Report of the Standing Finance Committee. Turning to Head 1, customs and excise duty, the committee was under the impression when it began to consider these particular revenue estimates that they had been

[Mr. Rennie] rather heavily under-estimated in view of the fact that the revised figure for 1942 is, as stated in paragraph 4 of the report, £1,070,000. The committee, however, went through each individual item of the head with great care, and as a result of that examination the committee found that the increase that could be suggested fairly and properly amounted to £40,000 only, bringing the total from £810,000 as it appears in the Draft Estimates, to £850,000, as compared with the revised estimate for this year, as I have mentioned earlier, of £1,070,000. As regards the various items, in paragraph 4 the increases recommended are set out. So far as item 2, spirits, is concerned, the committee had in mind there that the revised estimate for 1942 is £150,000, the sanctioned estimate for 1942 is £180,000, and the committee felt that it might justifiably suggest an increase of £15,000 on the figure of £90,000 that appeared in the Draft Estimates, bringing the total under that item to £105,000. As regards item 9, oils, fats and resin manufactures, the committee took into consideration there the fact that the revised estimate for 1942 is £145,000 and it considered that in this case too it might properly suggest an increase from the figure of £100,000 that appears in the Draft Estimates to £125,000. Under items 10 and 11 comparatively small decreases are suggested. So far as item 10, motor vehicles, is concerned, the committee was informed that it was not likely that importation of motor vehicles in 1943 would be heavy and for that reason it suggested that the figure of £10,000 in the Draft Estimates should be reduced to £3,000.

As regards the excise items, the committee in each case had regard to the revised figures for 1942, and the totals which appear as the 1943 figures now approximate very closely to the revised 1942 figures, since the committee saw no reason for any substantial change in any of the totals under items 16, 17 or 18. The result of the additional taxation proposals which have been approved this morning is, as the hon. Financial Secretary has stated, a matter of £75,000. If one adds that figure to the total of £850,000 appearing in paragraph 4 we get a total revenue for next year which

is estimated at £925,000. At the end of paragraph 4 the committee has recommended that a review be made of the concession granted to military personnel other than residents of East Africa and the ground for that recommendation was the view that the circumstances which obtained when this concession was first made have altered considerably, and the committee considered that the question of continuing it in its present form should be investigated. That investigation will be made in the near future. As regards Head 2, licences, duties, taxes, etc., the committee has explained under item 1 that that reduction of £15,000 in the estimates for 1943 cannot be regarded as a straight reduction. So far as 1942 revenue is concerned the committee was pleased to learn that the revised figure for 1942 is £540,000, and I think we all agree that that is a very satisfactory figure indeed when regard is had to the large number of Africans who are serving in the military forces and are therefore exempt from the payment of poll tax.

In paragraphs 6 and 7 of the report the reason for the committee's recommendations that the Income Tax estimates should be reduced by £13,000 is given and under item 18 the reason for the deletion of the estimate of £2,000 in respect of cotton tax. Under item 18, boarding fees for European schools, which appears under Head 3 of the revenue estimates, the committee felt that in view of the increased number of pupils likely to be accommodated in Government schools next year the revenue item might well be increased from £15,000 to £20,000. In the same way under Head 5, earnings of Government departments, item 11, water supply, Mombasa, in view of the fact that the revised estimate for 1942 is £75,000, the committee recommended that the item be increased from £60,000 to £70,000. The reasons for the reduction under Head 6, revenue from Government property and royalties, item 3 (a), mining revenue, royalties, are given in paragraph 13. The committee felt that in present circumstances it might be more prudent to recommend a reduction in these royalties from £25,000 to £20,000. Various increases have been recommended under Heads 7, 10, 11 and 14, but I propose to refer only to items 35 and 36 of Head

[Mr. Rennie]

11. Under paragraph 21 there is a note which makes it clear that additional revenue is expected in respect of reimbursements by the War Department on account of special police guards. The facts there are that, as explained under paragraph 107 of the report, the military authorities have asked the Commissioner of Police to train some 700 extra policemen to undertake special guard duty at various military points and the military will reimburse the full expenditure incurred—some £22,500, so that additional revenue under item 35 of Head 11 is offset by a corresponding increase in expenditure under the appropriate expenditure head. As regards item 36, which is the special fund containing the balance of provision for revotes of expenditures approved in 1942, the committee inserted a note to make it clear that the original figure which appeared in the Draft Estimates must be increased by some £12,000 as a result of additional items of expenditure which have been added. This addition will not affect the balance of the budget since the revenue item of £203,566 will be offset by expenditure items totalling the same figure. As I have said, the result of the committee's deliberations and recommendations is to increase the revenue estimates by some £78,810. The measures of additional taxation passed this morning will further increase that figure by £75,000.

Turning to the Expenditure Estimates, the first item to which I need refer is that in paragraph 36, items 5 and 6 under Head 4A, Agricultural Department Extraordinary. These two items refer to the agricultural station, Thomson's Falls, and the irrigation sub-station in the Vaso Nyiro catchment area. I should like to make it clear that the Standing Finance Committee is and was entirely sympathetic with the objects behind these proposals. The committee considered that they were most valuable in their long-range aspects, but since the proposals together involved an expenditure of over £10,000 the committee felt that further investigation was necessary and that consideration should be given to the possibility of achieving the desired results in a less expensive manner. The hon. Director of Agriculture was present when

the committee considered these matters and suggested to him various lines of investigation, and I have no doubt that he will inquire along the lines suggested by the committee and put forward further proposals or amended proposals early in 1943. For the time being, the committee recommend the provision for each of these items be reduced to a token figure of £100. If amended proposals are approved at an early date it will be necessary to provide additional finance by means of a special warrant in 1943. Item 11, under the same Head, refers to guarantees to farmers, and in view of the recent unfavourable weather conditions the committee felt it would be wise to increase the sum of £17,000 originally provided under this item, to £40,000.

Under Head 10, Education Department, various recommendations have been made to which I need refer in detail. That in paragraph 53 is one of some importance, however. Hon. members are aware that the Government of Kenya has had to incur a considerable amount of additional expenditure in providing increased accommodation in various Government schools, especially those in Nairobi. The committee went into the incidence of that expenditure and, so far as the capital cost is concerned, noted that the Governments of neighbouring territories were being asked to pay their share. But the committee felt that something further was required, and that an investigation should be made into the question whether the recurrent costs should not be recovered to a greater extent than at present from the neighbouring territories. We hope that early in 1943 the Education Committee which was appointed earlier this year will be able to resume its deliberations, and this particular subject will form a very suitable matter for consideration by it.

The next item to which I would refer is that mentioned in paragraph 66 of the report, Head 24, Miscellaneous Services, the cost of implementing the report of the Arab and African Terms of Service Committee. As stated in a reply to a question, Government has accepted most of the recommendations of the committee, and hopes to be able to implement them with effect from the 1st

[Mr. Rennie]

January, 1943. The note at the end of paragraph 67 deals with a matter of considerable importance, namely, the widows and orphans pension scheme. In that paragraph the committee has recommended that the question whether the scheme should be put on a fund basis should be investigated. The position, as hon. members are aware, is that since the inauguration of this scheme in 1921 contributions have been paid into revenue and any pensions have been met from expenditure. The result, as usually happens in the early years of a scheme, is that more money has gone into Government coffers than has come out, and the committee considered it advisable at this stage to have an examination made to see whether it is possible to put the scheme on a fund basis. That would mean that a considerable amount of money would have to be taken from the surplus balances of the Colony and be set aside to establish this fund. It is not unlikely that the amount involved will be somewhere in the region of half a million pounds, and it is a question for consideration whether our surplus now or in the future will be sufficiently large to justify setting aside that very large sum to put the widows and orphans pension scheme on a fund basis. Whether it is possible actually to set aside the money or not, I think hon. members will agree that it is very wise to find out exactly how much money should be set aside so that in future, if it is considered desirable, some steps may be taken to ensure that so long as the contributions are greater than the payments steps may be taken not to place them in general revenue but to deal with them in a manner which will perhaps be more realistic. That matter will be investigated as the committee has recommended, and the question whether we can fund the scheme or not will be fully considered.

Paragraph 69 also refers to an important matter, which is the co-ordination of the police and tribal police in certain districts. In Executive Council recently you, Sir, have taken the decision that as an experiment the work of the regular police and the tribal police should be co-ordinated in three representative districts, Kiambu, Nandi, and Narok. The objects

of the proposed scheme are to extend the responsibilities of the Commissioner of Police for the prevention and detection of crime in the areas concerned, to take full advantage of the police organization to train tribal police operating in those areas, and lastly, to control crime in the native areas more efficiently. It may be asked, somewhat naturally, why the arrangement is not put into force throughout the Colony. Apart from the financial considerations, which are heavy, it will be necessary to work out in a few districts how exactly the tribal police and regular police will between them carry out all the police work required. In the early stages it will no doubt be necessary for the tribal police to be maintained in practically their present numbers, but it may be found later by a redistribution of the duties that some reduction in their numbers is possible. This is a matter that has received a good deal of consideration in the past year, and it has been thought prudent, since the matter is by no means easy, to experiment in a few districts before the arrangement is provided for on a wider basis.

In paragraph 78 of the report reference is made to the recommendations of a committee appointed to consider the advisability of introducing a system of probation in Kenya. That committee has recently reported, and Your Excellency decided that the main recommendation should be reflected in the provision that appears in the Draft Estimates for 1943. The essence of a probation system is that the court is able in cases of certain offenders to put them under the supervision of a probation officer instead of sending them to prison or fining them as would otherwise have to be done. The result is that in certain cases a young offender is kept out of gaol, in other cases men who would probably deteriorate if sent to gaol and forced to associate with hardened criminals are kept on better lines, and under the supervision of the court probation officer later on turn out to be better citizens. The recommendation in paragraph 78 reflects the earlier stage of this proposal, and I should like to make it quite clear that a probation system on a normal basis does away with the cost of maintaining in prison those offenders who are allowed

[Mr. Rennie] out under the probation system, and that the cost of maintenance would be higher than the actual cost of the staff who are required for running this scheme.

The next paragraph, 79, deals with a matter mentioned in this Council more than once, and I am sure that hon. members will be glad to see that the committee has recommended the provision of the new post of road engineer in the Public Works Department estimates. Under paragraph 88, the committee reports that it gave consideration to the question of the re-establishment of the Statistical Department. As hon. members are aware, the Department which existed some years ago was abolished during a time of acute financial stringency, and the need for such a department has been felt on many occasions in recent years. We are fortunate in having still with us a former head of that department, and it is hoped that he will be able to supervise the establishment and running of the new department in its earlier stages. The committee has recommended that the department should if possible be on an East African basis. That particular aspect of the matter will be taken up—up to date I have not had an opportunity of discussing it with the Chief Secretary to the Governors' Conference. I think all hon. members will agree with me that in these days when price level and cost of living statistics and so on are of such vital importance that the need for this department is greater than ever.

Turning to Head 39, Public Works Extraordinary, hon. members will see under paragraph 93 that the committee has recommended that additional funds be provided, to enable the Government housing schemes in Nairobi and Mombasa to be pushed ahead as rapidly as possible. The amounts recommended are those which the committee was informed by the hon. Director of Public Works he could effectively spend during 1943. As regards paragraphs 96 and 97, the question of extensions to two of the Nairobi schools, the committee has had placed before it on several occasions during 1942 proposals for increased accommodation in Government schools, and the question arises whether, since further accommodation is required in the

Prince of Wales School at an early date, that accommodation should be constructed of temporary material or whether it would be more prudent and economical in the end to construct the necessary buildings of more permanent material. As reported in this paragraph, the committee came to the conclusion that permanent construction, using such local materials as are available, was preferable to further temporary extensions, and have recommended that a sum of £5,000 be provided in the 1943 Estimates to make a start with the scheme involving the construction of three staff quarters, a boarding block for fifty boarders, a sick bay and two class-rooms estimated to cost £22,500. As regards the Kenya High School, the committee were informed that additional accommodation would be required there, and the hon. Director of Education placed before them a proposal that use be made of an empty camp at Nakuru near the Government school and that boarders from the Primary School, Nairobi, be moved into that camp. The quarters vacated by the Primary School would be occupied by the girls of the High School, thereby giving that school the necessary additional accommodation. The committee went into that proposal carefully, and recommend that a sum of £2,510 be provided in order to make the necessary alterations to the Nakuru camp. Perhaps it would be proper at this stage to bring to the notice of hon. members the fact that these increasing and constant demands for additional accommodation in Nairobi schools have thrown a great deal of extra work on the Director of Education and his staff. I am well aware myself of the constant anxiety which the Director has experienced in trying to meet these constantly increasing demands for accommodation, and I think the greatest credit is due to him and his staff, and to his collaborator the Director of Works and his staff, for the way in which those demands for additional accommodation have been met during the past eighteen months.

Regarding item 36, Head 39, the road reconstruction programme, I should like to make it clear that the committee had no intention whatever of recommending a curtailment of the road programme. They felt that the road reconstruction programme was a very necessary item in

[Mr. Rennie] the Colony's budget, but were of the opinion that it was hardly necessary at the present time to set aside the sum of £12,000 as a reserve in the figure of £84,000 provided by that item. The committee felt that that £12,000 figure might be reduced to £5,000, and if actually next year additional funds were required for the completion of the 1943 programme the hon. Director of Public Works could come along and ask for the additional money. I have no doubt that the hon. member Dr. Wilson noted with much joy paragraph 106 of the report. He has long pressed the claims of the Naivasha community for a better water supply, and the fact that the committee felt that something should be done in the matter is, I think, largely due to the case he has been able to put before it on more than one occasion. I should like to make it clear that this particular item has been recommended largely because no large supply of material is involved. In some other townships water supplies are almost equally desirable, but the difficulty there is that the undertakings would involve a considerable amount of material which is not available at the present time.

Turning to paragraph 115, hon. members will see that the committee considered that a note should be inserted against item 10 of the financial statement on page 5 of the Estimates to make it clear that certain major contingent liabilities had not been taken into account in arriving at the general revenue balance. One is the widows and orphans pension scheme, a matter to which I have already referred, and as the hon. Member for Nairobi North has mentioned this morning, the Government has also a very large contingent liability in respect of the guaranteed return per acre on crops grown under the Increased Production of Crops Ordinance. The question of passages to which reference is made in a special note will, I think, necessitate just one remark from me. I do not know if hon. members realize that in the case of the passage item, it does not necessarily follow that after the war a very heavy outlay on passages to the extent that is expected in some quarters will occur. In the first place, passages will have to be "staggered" and

spread over a reasonable period; in the second place, a number of people will simply lose their passages. To take my own case. Normally, I should have been returning from my first leave at the present time. I hope to go on leave some time late in 1944 or in 1945, and the passage which I normally would have received in 1943 simply comes to me in 1945 or 1946, or whatever the year may be, and by that time I should probably have normally earned a second passage in any case. In other words, I simply forfeit one passage and Government benefits by the forfeiture. There is not a stored-up liability so far as a member of the Service is concerned in respect of passage obligations.

Paragraph 116 has been dealt with in a previous debate. As I said last week, Government proposes to accept the recommendation and the necessary committee will be appointed as soon as circumstances permit. The general remarks in paragraphs 117, 118 and 119 are intended to show that the committee had in mind that certain capital items will form a proper charge to loan expenditure when we are in a position to get a loan. Actually, the items concerned are mentioned in paragraphs 117 and 118, and the committee thought it advisable to refer to the forest replanting fund to make it clear that that fund is in effect a contribution to a reserve account or fund and that the budget deficit should be regarded in the light of the remarks in 117 and 118.

The result of the recommendations, as stated in paragraph 119, is a deficit of £92,617. As a result of the additional taxation proposal this morning, that will be reduced, it is estimated, by some £75,000, bringing the deficit to the more reasonable figure of £17,617. We all trust that the result of the year's working will mean that there is no deficit whatever and that the Colony will have a successful year in 1943 so far as its finances are concerned. But I think it is important to realize, as I have mentioned earlier to-day and as the hon. Member for Nairobi North has emphasized, that our surplus balance, large though it is, and although it may be larger than we have had before, is after all not a very large amount. If one of our contingent liabilities

[Mr. Rennie] ties has to be met, that surplus balance will be very substantially reduced, and if we are going immediately after the war, to press forward as we should be able to do with our various schemes of development, irrespective of whether we are immediately able to get loan funds or not, whether we are immediately able to get a contribution from the Imperial Government through the Colonial Development and Welfare vote or not, we shall need what money we have at the present time, and I hope it will be possible during the war to maintain our surplus at its present figure. I for one would be much happier in dealing with schemes of development when I know we have a little money to come and go on than if we were reduced to a figure which would mean that we had to adopt a parsimonious and cheeseparing attitude to every proposal that came along.

Before I conclude I should like to say how heartily I agree with the remarks in paragraphs 121 and 122 of the report. I am well aware of the pressure which has been placed on the two officers concerned in recent months. The Standing Finance Committee, I think I can safely say on their behalf, were impressed with the very careful way in which the Draft Estimates had been prepared, and I think that that careful preparation reflects the greatest credit on the two officers concerned. During the deliberations of the committee members found that the comments of the two officers were of the greatest assistance in clearing up a number of points that arose in the course of discussion, and I am sure that I am voicing the feelings of the committee when I thank the two officers concerned very much indeed for their assistance. Finally, I think a word of praise is due, as is suggested in paragraph 122, to the Government Printer and his staff who carried out the work entrusted to them with their usual accuracy and expedition.

Mr. HARRAGIN seconded.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 16th December, 1942.

Wednesday, 16th December, 1942

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 16th December, 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 December, 1942, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 50—BOARDS AND CONTROLS

Mr. BOWLER (for COL. GHERSIE):

Will Government please table the following information relating to the undermentioned 32 boards and controls:

Kenya Supply Board, East African Supplies Board, East African War Supplies Board, Agricultural Production Board, Beer Controller, Building Controller, Cattle Dip Controller, Building Materials Controller, Civil Salvage Controller, Coffee Controller, Dairy Produce Controller, Electrical Controller, Imports Controller, Iron and Steel Controller, Jute Controller, Live Stock Controller, Maize Controller, Matches Controller, Overseas Purchasing Division, Paper Controller, Potato Controller, Pig Controller, Produce Controller, Price Controller, Rice Controller, Sisal Controller, Timber Controller, Transport Controller, Tyres Controller, Vegetables Controller, Vehicles Controller, Wool Controller.

1. (a) The names of the individual chairman or Controller (and the Deputy, where such an appointment exists), and the remuneration received by each?

(b) Whether permanent Government officials?

2. The total number of the other members of the staff of each Control, together with the following information—

(a) Retired Government officials on pension, and the total salaries or remuneration and pensions received;

(b) Others, stating the total salaries or remuneration received.

3. Cost of office accommodation.

4. Cost of office equipment.

5. The total cost of the Board or Control—

[Mr. Bouwer]

(a) the amount of such cost paid by Government;

(b) the amount of such cost paid from other sources.

6. The amount received by Boards and Controls by way of commissions and cesses.

7. Whether such amounts received—
(a) are held by the Board and Controls;

(b) if not so held, how disposed of.

8. What surplus funds exist and what are Government's intentions as to disposal.

9. Whether in the interests of economy, in respect of man power and finance, Government will consider the co-ordination of the administration of as many controls as possible.

10. Whether Government will arrange for an inspection of the accounts and the general organization of all Boards and Controls by a nominee of the Elected Members.

MR. TESTER: As the answer to the question is very long, I am sending a written statement to the hon. member giving him the information he requires, and I am also laying a copy of the statement on the table of this Council.

No. 67—INDIAN SCHOOL STRIKE

LORD FRANCIS SCOTT:

Is the incident of insubordination in the Government Indian Secondary School, Nairobi, on 19th September, 1942, as reported in the Press, correct?

If so, will Government state what disciplinary action has been taken in the case of—

(a) the drawing master;

(b) the pupils who went on strike;

(c) the pupils who struck the native boy who was going to ring the school bell?

Further, will Government state if it is the policy of Government to take effective action against any Indians who share the subversive views of the Indian Congress Party on the same lines as that taken by the Government of India?

MR. RENNIE: Various reports of the incident appeared in the local Press—some were more accurate than others. If

the hon. and gallant member will say to which paper he is referring, a more definite reply could be made to this part of the question.

(a) After a departmental inquiry had been held into the matter, the drawing master tendered his resignation, which the Government has accepted.

(b) As a result of the departmental inquiry referred to, the ringleaders among the boys who caused the disturbance have been identified, and the Government has decided that the older boys among them shall be expelled and the younger boys suitably dealt with.

(c) An Indian boy who normally rings the bell was alleged to have been struck in order to prevent him ringing the bell, but there is no clear evidence on the point. When the Indian boy failed to appear, a native boy was instructed to ring the bell; he was not assaulted.

Certain leaders of the Indian Congress Party have been detained by the Government of India because they were instigating action which in the opinion of the Government of India and His Majesty's Government in the United Kingdom was definitely calculated to obstruct India's contribution to the war effort of the United Nations. Should a similar situation arise in Kenya, appropriate action would be taken by this Government in consultation with His Majesty's Government in the United Kingdom, but in view of the statements made recently in this Council by Indian elected members to the effect that the Indian community in Kenya would not be influenced by any of the events taking place in India, and that whatever the political unrest or differences in India they will remain loyal and devoted to His Majesty's Government, this Government is confident that such a situation is unlikely to arise.

No. 84—LABOUR TRADE UNION OF EAST AFRICA

MR. KASIM:

Has Government perused the presidential address of, and the resolutions passed by, the Labour Trade Union of East Africa at its recent meetings?

(Mr. Kasim)

If the reply is in the affirmative, would Government give sympathetic consideration to the grievances mentioned by this loyal section of the community?

MR. HARRAGIN (as Director of Man Power): The answer to the first part of the question is in the affirmative.

In reply to the second part of the question, consideration has been, and is being, given to the grievances mentioned in the resolutions.

The question of the wages of artisans is under constant review by the Wages Board and Government is not aware of any order issued by that Board which would have the effect of reducing the wages at present earned by artisans.

NO. 87—SOCIAL AND ECONOMIC SURVEY

MR. COOKE:

In view of the deplorable living conditions of the African population disclosed in the evidence submitted to the Mombasa Commission of Inquiry in 1939 and to the Trades Disputes Tribunal in Nairobi and Mombasa recently: will Government conduct at once a social and economic survey of those towns with a view to obtaining data which will enable steps to be taken to ameliorate drastically those conditions?

MR. RENNIE: The Government agrees that detailed surveys into the social and economic conditions of Africans in both Nairobi and Mombasa are desirable, but must point out that for the execution of such surveys a large and specialized staff would be required which at present is not available. Steps are being taken to ascertain whether this staff can be obtained in present circumstances.

NO. 91—RESERVED OCCUPATIONS

MR. COOKE:

With reference to Government Notice No. 261 of 1941 and the Schedule thereto, was Government satisfied that the rates of pay prevailing were a living wage and that the housing conditions were suitable before they declared the following to be reserved occupations: All occupations in (a)

Kenya and Uganda Railways and Harbours Administration; (b) Posts and Telegraphs Department of the Colony; (c) Public Works Department of the Colony; (d) Medical Department of the Colony? 2. If so, how does it reconcile the position with the considered opinion of the Fact Finding Committee that the lower paid African servants in these departments are in a state of malnutrition? 3. If not, how does it reconcile the position of the Government as trustees for the natives of this Colony?

MR. RENNIE: Part 1. The employees concerned were placed in reserved occupations in September, 1940 (March, 1941, in the case of the Medical Department employees) in view of the necessity under war conditions of maintaining the strength of the Kenya and Uganda Railways and Harbours Administration and of the Government departments referred to in the question, since all were engaged in work essential to the prosecution of the war and the maintenance of services essential to the life of the community. Such employees were earning rates of pay which had been in force for some time and there was nothing to suggest that such rates were inadequate. As regards the question of housing, the hon. member will appreciate that only in the case of certain of the employees was housing a term of service, and that it would have been clearly impossible to differentiate between those employees who were entitled to housing and those who were not.

Part 2. While the Government does not dispute the opinion of the Fact Finding Committee that some of the lower paid African employees in the Railways and Harbours Administration and the Government Departments referred to in the question are in a state of malnutrition, the hon. member will realize that the factors that make for malnutrition may be not only an actual insufficiency of foodstuffs but also an unbalance of diet due not necessarily to scarcity or poverty but to ignorance. In so far as insufficiency of foodstuffs is concerned, the Government appreciates that this may have been caused by a shortage, or a rise in the cost, of certain foodstuffs, since the date on which the employees concerned were placed in reserved occupations, and steps

(Mr. Rennie)

have been and are being taken to remedy conditions in both respects.

Part 3. In view of the answer given to Part 2, Part 3 of the question does not arise.

NO. 93—LAND SALES

MRS. WATKINS:

1. In view of the reply given by the Hon' Commissioner of Lands and Settlement that my statement regarding land sales to foreigners, and/or foreign companies or syndicates, was not borne out by the facts as disclosed by his records, would he, now that he has further explored his records, confirm to this Council the following sales made to foreigners or foreign companies:—(1) L.R. 131/2, Kiambu, 528 acres; (2) L.R. 129/5, Kiambu, 255 acres; (3) L.R. 130/1, Kiambu, (4) L.R. 129/4, Kiambu; together 205 acres; (5) L.R. 5123, Nyeri, 200 acres; (6) L.R. 694/7, Nyeri, 366 acres; (7) L.R. 2416/15, Sabukia, 800 acres. And that all these sales have taken place during the war period?

2. In further view of the fact that under some convention, possibly that of St. Germain en Laye, we are prevented from prohibiting land sales to foreigners, even apparently during a war period, would Government consider a general moratorium on land sales for the duration, to enable our serving men to stand at least an equal chance with these foreigners and others of obtaining land after the war?

3. Would Government consider constituting a small board to include the hon. Commissioner of Lands and the hon. Director of Agriculture to consider the exceptions that they might deem it advisable to make to such a general moratorium, where the death of the land owner had taken place or for some other adequate reason? And could not this board be enabled to acquire on behalf of Government any of such lands as they thought advisable for redistribution at a later post-war date to our returned soldiers and sailors?

MR. MORTIMER: The hon. member's statement as recorded in Hansard was that "There has lately been going round

our district a big foreign syndicate buying up some of the most valuable land in the district". My reply was that "a search of the register disclosed no evidence of the statement". Further exploration of the Land Register on the information privately supplied by the hon. member does not confirm the hon. member's reference to a big foreign syndicate's activities, but sales may have taken place which have not yet been registered. The first four only of the farms mentioned in the question are in the hon. member's constituency. It is confirmed that these farms comprising in all 985 acres have been transferred to an individual alien, the first in September, 1941, and the other three in August and September, 1940. Farms numbered (5) and (6) in the question which are in the Nyeri district were transferred to the same individual in partnership with another alien in September, 1942. L.R. 2416, No. (7) in the question, is in Laikipia, has not been sub-divided, and no transfer to an alien has been registered.

I will answer Parts 2 and 3 together. Existing treaty obligations with foreign powers preclude discriminatory action in the right to hold land against nationals of the various high contracting parties, which are not enemy states. Government is fully alive to the desirability of ensuring that agricultural land, suitable for post-war settlement, will be available for members of the Services on demobilization. The Land Board has recently submitted to Government a series of recommendations on this subject, two of which are similar to those mentioned in the question. Government is examining these proposals but is not yet in a position to declare a definite policy on this important matter.

MRS. WATKINS: On a point of explanation, Your Excellency, I should like to ask the hon. Commissioner of Lands and Settlement if it is not true, as appeared in *The East African Standard*, that the Congo Basin Treaty is now only applied to foreign countries—one is Belgium, the other I do not know—that we are now only bound to two foreign countries as far as I understand it? The second point is, would the hon. member be so very kind as to give the public a list of those farms sold in the war period to aliens?

MR. MORTIMER: Your Excellency, I must ask for notice of the first part of the supplementary question. So far as the second part is concerned, I am in a position to give to Council certain broad facts concerning transactions in land to aliens, which I will now do. Subject to the proviso that it is impossible to say from the land register who among the transferees are aliens and who are not—a man's name is no sure guide as to his nationality (laughter) and one can only go by the name and by its alien appearance—apart from township plots, of which quite a number have been transferred to aliens during the war period, there have been registered land transfers to people who may be judged by their names to be aliens since the beginning of the war: in 1940, seven farms comprising 4,472 acres; in 1941, nine farms comprising 3,441 acres; in 1942, eleven farms comprising 3,230 acres; making in all twenty-seven farms of about 11,143 acres. In addition to these transfers to people presumed to be non-enemy aliens, there have been three transfers to people who are technically enemy aliens, comprising 754 acres. These have been approved by His Excellency the Governor in Council.

NO. 94—THIRD CLASS COACHES,
K.U.R. & H.

MR. KANIM:

1. Is it a fact that separate third class compartments which were reserved for women and children on the K.U.R. & H. railway system have been withdrawn?

2. Is the hon. General Manager, K.U.R. & H., aware that women and children travelling third class on the railway along with males in overcrowded coaches experience great hardships and humiliations?

3. If the replies to 1 and 2 are in the affirmative, while realizing the present railway difficulties owing to war conditions, can it not be possible to accommodate women and children separately at least on the mail trains?

MR. ROBINS: 1. Separate compartments in third class coaches for the sole use of women and children were first provided by the Administration early in

1937. While the compartments still remain, they were thrown open for general use in 1940 when third class coaches had to be used for the movement of European military personnel.

2. I am aware of the overcrowded conditions which prevail in third class coaches. This is regretted, but it is unavoidable in present circumstances nor is it peculiar to the Kenya and Uganda Railways. Out of a total of some 65 third class bogie coaches, on an average 21 are in use daily for the movement of Service personnel—both African and European. On some days as many as 40 coaches have to be withdrawn from the ordinary services for this purpose.

3. It is regretted that the provision of separate compartments for women and children cannot be restored, for this would not permit of the greater utilization of the limited space available.

DRAFT ESTIMATES, 1943

STANDING FINANCE COMMITTEE REPORT

The debate was resumed.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I have one or two small points to raise in connexion with the report of the Standing Finance Committee on next year's Estimates. The first paragraph to which I would refer is paragraph 53 of the report, and also to the closely related paragraphs 96 and 97. In paragraph 53 it is stated that "the committee were not satisfied that the cost of educating children from the neighbouring territories was not falling too heavily upon the Kenya tax payer, and recommend that this aspect of the matter be fully examined". I am in entire agreement with this recommendation, but I would like if possible some reassurance that we are not going to deny access to the education facilities in this country of European children from neighbouring territories, notably of course Tanganyika, Uganda, and Sudan, during the time which this examination takes, because I do feel very strongly indeed that, situated as we are, with the climatic conditions we are happy enough to possess here, and the educational facilities which exist, it is a war time duty of this country to give children living in climates which are not as satisfactory as this a chance and that

[Major Cavendish-Bentinck] we must give this assistance during the war period. Whatever haggling Government may have to do in regard to neighbouring territories regarding costs, I sincerely trust that we shall not in the meantime prevent children coming here. The other paragraph to which I wish to refer is paragraph 118, in which I note that the committee has taken note of the fact that there was a revenue item of £3,250 which I presume is the agreed contribution to the forest replanting fund representing an excess of Forest Department revenue which it is expected will be collected in 1943 over the approved estimates for 1940. It was agreed that in view of the very much increased felling for war purposes and the depletion of the timber supplies of this country, that over and above a certain agreed figure the revenue which accrues from royalties should be put into a special fund to be utilized after the war for replanting purposes. I see here that it is suggested that this is to be regarded an addition to the surplus revenue balance. Technically it may be a surplus revenue balance, but I sincerely trust that we shall not after the war, because of this paragraph, find that Government has decided it is not going to allocate these particular sums paid in yearly to some purpose other than a replanting programme. I would if possible like an explanation of what is intended by that recommendation.

The main paragraph with which I wish to deal and in connexion with which I have given due notice of amendment, is paragraph 59, and in connexion with that paragraph of the committee's report I move the following as an amendment: "Be it resolved that Expenditure Head 18A, Lands and Settlement Extraordinary, be amended so that Item 1 will read 'Expenditure on implementation of the recommendations of the Settlement Committee, provision of land for increased settlement, and salary of a settlement officer', and that the sum provided under Expenditure Head 18A be increased".

In speaking to the Draft Estimates I drew attention to this sub-head and requested elucidation as to the purposes on which Government considered that the sum provided could properly be expended. I was and am aware that the

£5,000 provided is merely a token vote, and later I will recall how this item became a regular feature in the budget. In reply to the debate on the Estimates, no very satisfactory elucidation was made, and I note from the report of the Standing Finance Committee and from the paragraph to which I have just referred that only one avenue of possible expenditure under this sub-head was in fact discussed, and the conclusion was reached that any recommendation from the Standing Finance Committee should await a decision by Government on policy. I think the Standing Finance Committee was absolutely right in adopting this attitude. There is an increasing tendency to refer questions of policy to the Standing Finance Committee, which is unconstitutional procedure. Questions of policy should be decided by Government, and such decisions should be endorsed by the Legislature. Subsequently, questions of ways and means are problems on which the advice of the Standing Finance Committee can properly be sought. The object of this motion, therefore, which I am putting forward on behalf of the European Elected Members' Organization and not as an individual, is to afford an opportunity for Government categorically to inform this Council what their policy is in regard to expenditure on post-war settlement and to assure us that there will be no undue procrastination, no shying off difficult problems but, on the contrary, every attempt will be made to prepare timely plans now and to provide such moneys as may prove necessary, so that when the war terminates we shall not suddenly find ourselves faced with a problem to which no adequate forethought has been given. As chairman of the Agricultural Production and Settlement Board I should be in a position to outline Government's policy in regard to settlement and to reply to criticisms which may be made. Unfortunately, "constitutionally", or perhaps to use a safer expression, "in practice", we have not reached that stage yet, and so I find myself cast to-day to play the somewhat unsatisfactory dual role of Dr. Jekyll and Mr. Hyde.

This motion is not intended as an attack on Government, nor is it intended to insinuate that nothing has been done.

[Major Cavendish-Bentineck]

On the contrary, although as indicated by this motion we consider that further immediate steps are urgently required, we admit that a good deal of ground work has been laid. This obviously is not generally recognized, and so before dealing with future plans it may be advisable to give a short resumé of what has been done up to now. My resumé will not be as alarming as it sounds, because in terms of years this country is still very young. I need not, therefore, go back very far, but will content myself by referring back to just over 30 years and stating that in 1911, before the last war, we had, according to the census of that year, 3,175 Europeans of all kinds in this country. After the last Great War of 1914-1918, there was a scheme inaugurated known as the Soldiers Settlement Scheme which was backed up by Government and which, though a failure in many respects, did attract a good many people into this country. At that time conditions in Kenya were very embryonic, and the difficulties the pioneers had to face were fantastic as compared with conditions ruling today. Twenty to twenty-five years ago our knowledge of agriculture under conditions pertaining in these countries, of stock problems, marketing, etc., was very scanty. We lacked experience; we lacked transportation facilities and port facilities; hospital and education facilities were inadequate. Nevertheless, by 1921, according to the census taken that year, there were 9,650 Europeans in the country. In ten years, therefore we had trebled our European population; by 1930 we had again roughly doubled our European population because we had at that time somewhere over 17,000 European inhabitants in Kenya. Then it will be remembered there was a world slump, and from then on things remained very much as they were. In 1932 a few individuals, several of whom are here in Council today, decided that something must be done to counteract this lag, to let the world know what we had to offer, and generally try and assist would-be settlers and settlement, and a body was formed known as the Kenya Association (1932). That organization is still in existence and I think may claim to have given considerable service to the country for ten years. The Kenya Association, backed

by the elected members, did persuade Government to open an office on London and to appoint an officer from here to deal with settlement problems in London; it published pamphlets and booklets, and obtained a small subsidy from Government; it dealt, and still deals, with a large volume of correspondence; and it generally tried to counteract the setback to further development of the country occasioned by a complete lack of policy on the part of Government and Colonial Office in regard to settlement. During those years, we were frequently told that the reason more stimulus was not given to settlement in East Africa from overseas was that the so-called experts in London were not satisfied that this was a white man's country or that settlement in these territories would ever be an economic proposition. Those of us who had faith replied that during those same years, despite difficulties, despite world depression, despite lack of support, this country had never gone back; on the contrary, this country was slowly but obviously progressing, despite the fact that we alone in the whole of the Colonial Empire, and almost alone in the world, were the only agricultural country which had received no assistance during those years of depression.

I would merely quote what happened not so long ago when we received a visit from a gentleman who had been sent to Africa to examine the prospects of settlement of a certain type of residential settler, namely, retired Indian Army officers and Indian civil officials. This man went to Southern Rhodesia where he found there existed a concrete plan calculated to help the type of person he was representing. He then came up here, and looked over this country, and came to the conclusion that we had infinitely more to offer than Southern Rhodesia as regards climatic and other conditions. But we had no policy, no settlement scheme, no plans, and apparently no means of providing state assistance of any kind for the type of people he represented, when they arrived. About that time we devised two schemes to help this kind of person and to help the small man. One was for people who, with assistance from the Land Bank, were to go in for small-scale farming, and the other scheme was designed for purely

[Major Cavendish-Bentineck]

residential settlers. After spending a great deal of time and trouble our first scheme was turned down by the Secretary of State in a letter which, among other matters, stated: "An essential part of the scheme submitted is the provision from the Land and Agricultural Bank of Kenya for financial assistance to participants in the form of a Government-guaranteed loan. The Secretary of State has been unable to approve of the adoption of this scheme, on the ground that it will not be possible to increase the Land Bank loan beyond the provision already made". That was not very encouraging, and you can understand why we still have a doubt at the back of our minds to-day as to how wholehearted people are in encouraging settlement out here. I may say that, at the time we received this crushing reply, people going to South Africa, Rhodesias, New Zealand, almost any part of the Empire, did receive State assistance, they were told what could be done for them, what financial help they would receive, they were told how they could acquire land. Here we were more or less forbidden to give any assurance whatever. Despite that, a certain number of people still continued to trickle out here.

Naturally the European elected members were not content to accept that situation, and in August, 1937, five years ago, we moved the following motion in this Council: "That a committee be appointed to consider to what extent further assistance to settlers with approved qualifications can or could reasonably be provided by the Land Bank or by Government, and what provision could be made for imparting knowledge and experience of local agricultural conditions to newcomers, with a view to the establishment of a practicable settlement scheme based on something tangible". We now come to a brighter picture, and at long last, on that occasion, this motion was accepted by the Government here. On 29th September, 1937, the committee asked for was appointed under the chairmanship of my hon. friend who now occupies the post of Chief Native Commissioner, and the hon. Commissioner of Lands and Settlement was secretary. That committee's deliberations lasted well over a year and a very full report was sub-

mitted in January, 1939, only a few months before the outbreak of war. I should perhaps say that in the mean time, in August, 1938, Mr. Hosking had resigned the chairmanship because he undertook his present post and Mr. Mortimer took his place, whose work in connexion with this report was quite indefatigable, and I am sure that we are all grateful for what he did. The majority, if not all, of the recommendations of the committee were accepted by this Government and were subsequently accepted and endorsed by the Secretary of State. Time does not permit of my running through those recommendations in great detail, but I would just touch on one or two of them, because it is for the full implementation of those recommendations that elected members consider more money may be required in 1943, as we consider that it is most important that we continue to build on sound foundations which have been laboriously laid in the past and that we do not allow ourselves to be rushed into jerry-building on ill-conceived and sketchy half-measures at the last moment should the war suddenly terminate.

One of the Settlement Committee's main recommendations, of course, was the provision of financial assistance to newcomers and to existing residents who had no land, subject to certain conditions. The proposal which has been accepted, and I would stress it has been accepted, because it does not seem to be generally understood, was that applicants could either receive an advance of 90 per cent of the purchase price of their land plus 50 per cent of the cost of certain permanent improvements or, alternatively, 50 per cent of the whole of the capital expenditure incurred in establishing a farm in its initial stages, the state or Government contribution being limited to a maximum of £1,800. These advances are based on a 3½ per cent compound interest table by which a payment of 1 per cent per annum completely clears the debt in 43½ years. Obviously, during the initial period of four years we could not expect a man to start making repayments, and therefore repayment over a total of 48 years was agreed to. This arrangement is available now to new settlers, a fact which seems to be overlooked by people who are worried

[Major Cavendish-Bentinck] about this aspect and feel that something ought to be done about providing finance for newcomers. We have the means of that aid, and it exists to-day. In order to provide finance for this scheme we asked for £250,000 to begin with. That was agreed to but, owing to the war, we were not able to borrow this sum. Apart from financial assistance, the Settlement Committee dealt with the terms of alienation of Crown land, and suggested that an option should be given to purchase land on terms in conformity with this Government-aided purchase scheme. That I believe was also agreed to. We also urged Government to investigate as soon as possible the desirability or otherwise of freeholding agricultural land and, above all, the abolition of the revisable rental system. This matter was again recently discussed in this Council, and elected members, I think I am right in saying, are unanimous in saying that at any rate the revisable rental system is an anomaly which must be abolished. We also asked for the provision of adequate agricultural educational facilities for would-be settlers and for youngsters, and for the institution of a state-organized pupilage scheme, the provision of short courses at a Government training farm, and for the granting of scholarships or bursaries at agricultural colleges in South Africa or elsewhere. The organization of the pupilage scheme was of necessity held up owing to the war, but thanks to the generosity of Lord Egerton of Tatton and to the provision of Government finance we have now a fairly adequately equipped Government training farm and agricultural college in this country. Government also provides scholarships to agricultural colleges in South Africa and New Zealand, and some of the boys sent to those colleges have, I believe, done East Africa great credit.

In regard to the provision of land other than unalienated Crown land, the Settlement Committee also made recommendations. In my remarks to-day, however, I would merely repeat what I said in reply to the debate in 1937: "The question of a re-division of land must be considered, also the question of what is being done with land which has already been alienated. Speaking purely as myself and giving my own point of

view, I think the time has come when we have got to make people give an account of their stewardship of the large tracts of land which they may hold. I do not think it is in the interests of the country to allow land to remain undeveloped indefinitely if, and when, we can find people to put on it". This, however, raised a very difficult and complicated problem which deals with property rights, rates and taxes and a hundred and one legislative and other complications, and for that reason I do not propose to discuss the subject in any detail to-day, not because nothing has been done about it, but because we are, as I shall explain in a minute, examining what is being done in other parts of the world and we shall shortly be able to place before hon. members the pros and cons of all measures taken overseas in this regard and all suggestions which have been made locally. Then the matter can be discussed with a greater knowledge of the facts than would be possible if we were to deal with it this morning.

There were further recommendations by the Settlement Committee in regard to the provision of water supplies, in that we insisted that the provision of water should precede the demarcation of farms. We asked for free transportation of drilling plant and equipment and for the subsidization of unsuccessful boreholes. We also asked that application should be made to the Colonial Development Fund for assistance in providing further water supplies throughout the country. Some of these recommendations were accepted and are actually in practice here to-day. We also recommended that a Resident Native Labourers Ordinance be passed and applied as soon as possible, in order to permit districts to remove the menace arising from the abuse of squatter stock, which created unnecessary risks of cattle disease, increased farming costs and seriously diminished the areas of land available for increased European settlement. We also recommended, it is a small point but is not a small point as far as this country is concerned, that more effective action be taken to eradicate rinderpest. As members are aware, the matter has recently been handled inter-territorially and, I believe, energetically, by all territories lying between

[Major Cavendish-Bentinck] our Northern Frontier and the Limpopo, and in this campaign my hon. friend the Director of Veterinary Services has played a by no means unimportant part. We also recommended that special facilities by way of land grants, both for farming and residential purposes, should be offered to civil and railway servants of the East African territories in order that they and their families should be encouraged to settle and make their homes in this Colony. We also recommended—and I think this is of some importance and should be gone into in the coming year—the enactment of local legislation on the lines of the English landlord and tenant acts to make provision for the development of a system of leasing farms, as such a scheme of tenant farming might prove attractive to young men with local agricultural experience but possessing no capital. Finally, it was recommended that the general administration of settlement policy should be in the hands of the Commissioner of Lands and Settlement, who was to act on the advice of the Land and Settlement Board, and that detailed application of policy should be carried out through the agency of the Kenya Association, and that a local Settlement Officer with agricultural experience should be engaged.

So much for some aspects of the report of the Settlement Committee, which unfortunately only saw the light of day in 1939, and by the time the report had been considered and approved the war was upon us. Owing to the advent of war, obviously many of the committee's minor recommendations could not be implemented forthwith. Furthermore, as there was an embargo on borrowing money, finance presented difficulties. The European elected members were, however, unwilling to allow all the preparatory work, of which I have given a resumé this morning, covering a period of years, to go by the board because of the war, and they therefore requested an assurance from Government that the recommendations of the Settlement Report should still be considered as accepted and as in being and that proof of such acceptance should be given by putting a sub-head in the Colony's Estimates providing for the expenditure which would

be required to implement the committee's recommendations. That was acceded to, and hence we have sub-head 18A in the Estimates which are before Council at the present moment and which is the subject matter of this motion, because we do not want that £5,000 to be too token. As a token vote we want it to be something realistic, and from the back history you may realize that we have good reasons for expressing some fears.

As regards the present, I should like to allude to the recommendation made in regard to the administration of settlement policy. The elected members considered after a good deal of investigation that it would probably be better and more effective in practice to separate the detailed administration of settlement policy from purely legal land questions, and therefore at a very early stage after the report of the Settlement Committee had been accepted the elected members recommended that the responsibilities of the Land Board and the Settlement Board should be separated, the Land Board which deals with questions of land alienation, etc., remaining under the chairmanship of the hon. Commissioner of Lands and Settlement, and a new board being created to be known as the Settlement Board, which in time would be under my chairmanship. The Kenya Association and the East Africa Publicity Association were to work in close collaboration with the Settlement Board. That was the position just about the time war came upon us, and just about the time war appeared inevitable it had already occurred to us that probably one of the main roles of Kenya in the war would be that demands would be made on the agricultural resources of this country, and as the then newly created Settlement Board was already setting up advisory bodies throughout the country, and as its personnel appeared suitable, and as it was in close touch with the farming community, it was considered that this board would be the most suitable board to whom the duty of the reorganization of production on a war basis should be allocated, and thus the Settlement Board became the Settlement and Production Board, and the Land Board continued to function as it had done up to then. A great deal of water has flowed under the bridge since the

[Major Cavendish-Bentinck] outbreak of war and ever-increasing demands have been made on this country's productive capacity to which, when the time comes to look back, it will be found that we have answered to an extent which is very creditable. Indeed, we have responded to an extent which can but draw the attention of the world to the possibilities of these territories, provided they are properly developed.

But these constant calls have increased the responsibilities and the work thrown on what was the Settlement and Production Board, and still further calls for ever-increased war production in due course necessitated Government measures for stimulating production. It was the board which drew up and was responsible for what is now known as the Increased Production of Crops Ordinance, 1942. In view of the enormously increased responsibility thrown on the board by this enactment the board's name was again changed, and it is now known as the Agricultural Production and Settlement Board. Its terms of reference are two-fold. Firstly, they have certain terms of reference in connexion with production. Secondly, they have terms of reference in connexion with settlement which I should like to read out:—"To encourage and plan for increased white settlement in the Colony, to advise prospective settlers, to collect and distribute information in this connexion, and in collaboration with the Commissioner of Lands and Settlement to implement the Settlement Scheme". For the purpose of this debate we are not concerned with the production terms of reference, but some account of the Board's activities in regard to the terms of reference connected with settlement should be given, because it has been suggested that the board is so occupied with problems of agricultural production under war conditions that it neither has the time, nor is the composition of its personnel suited, to deal with settlement, more especially the problem of post-war settlement, and that therefore the time has arrived when yet another board should be created which should be specifically charged with the duty of planning post-war settlement in the Colony, and this new board should be divorced from all questions of agricultural production.

I can only stress that the Agricultural Production and Settlement Board has been fully conscious of this criticism and of the causes which might lead to justification of criticism of this nature, and it is for this very reason that the board has set up a sub-committee under the chairmanship of the hon. Commissioner of Lands and Settlement, which sub-committee deals purely and solely with the settlement aspect of the board's terms of reference. As a result of experience of the working of this sub-committee, the board came to the conclusion some time ago that this sub-committee needed strengthening in regard to its personnel and would probably have to have some form of whole-time staff. We have made proposals which I need not go into in detail, beyond stressing the fact that our main difficulty in present-day conditions is to find the right people with enough time to give to the job. This sub-committee has already amassed a considerable amount of information on the most difficult of all questions—that of providing land for those who have local experience but no land, and for post-war settlement. We thoroughly appreciate that the fundamental basis of any scheme for closer settlement must be the provision of land both for the landless of this country and for newcomers. The amount of unalienated land which remains at Government's disposal is limited, and a good deal of alienated land lies around inadequately developed. As I have already said, information and advice on this subject is at present being sifted and will come up for discussion in due course. For the time being we are not recommending further alienations of Crown land except in very exceptional cases for the period of the war. This decision was arrived at in order to safeguard the interests of the young men who are fighting for us overseas. We are dealing with a great number of inquiries; we give a great many interviews and such publicity as can be undertaken under war conditions is being undertaken.

But members on this side of Council, all the elected members, do not feel that this goes far enough. We feel that the time has come to implement another recommendation which was made by the Settlement Board, that a suitable Settlement Officer should be now appointed.

[Major Cavendish-Bentinck] locally. We feel that this officer should go from district to district and get in personal touch with local residents, ascertain what land is available or could be made available possibly, and generally give his whole time to organizing and planning for post-war settlement. My reply to those who suggest that this man should be made the servant of a new board entirely divorced from the existing Agricultural Production and Settlement Board, I repeat most categorically that in my opinion such a step would be absolutely retrograde. For some years prior to the war, and perhaps more especially during the last three years of war conditions, many of us have acquired considerable experience and knowledge of the difficulties with which both new and old settlers are faced. Experience of agricultural organization, of marketing, of agricultural finance, and of the variations of conditions which pertain in different districts in this country, information all of which will be invaluable if utilized properly for the planning of future settlement. A new board would probably have to start all over again unless it were composed largely of the same personnel and, if so, why have two boards?

Your Excellency, we elected members consider that the success of any post-war settlement scheme would be measured by the prosperity of the settlers who make their homes here, and settlement must be largely agricultural. The success of an agricultural industry depends on many complicated questions far above the purview of a committee appointed to deal with ordinary schemes for acquiring land, schemes for providing finance in order to initiate the homestead, and schemes for advertising the settlement of the country. It is for these reasons that I feel the majority of us will deplore any move which may tend to separate the work of those who are trying to solve problems connected with agricultural production from the work of those who are attempting to deal with settlement.

I trust that by referring to what has been done in the past I have not left the impression that members are either pleased or satisfied, because we are not

Far more remains to be done and we feel that in some matters urgent action is necessary. We trust that any plans put forward or suggestions made will not only receive the attention of Government but will be enthusiastically accepted and furthered by Government. This is the assurance which we seek this morning. We may want a great deal more money than the £5,000 provided under sub-head 18A if the horizon which we all hope may dawn during the forthcoming year appears. It is our firm belief that any future development of this country must rest on one basis and one basis only, and that is vastly increased European settlement. The faster we can increase white settlement the greater will be the prospects for the good of the people we found when we came here. There is a well known saying which was quoted by my hon. friend the Member for Ukamba in a debate in 1937 which, slightly transcribed, might read: "There comes a tide in the affairs of men, and countries, which taken at the flood leads on to fortune, success and development". The elected members believe that the tide is now flowing and may reach high-water mark after the war. We look to Government to help us prepare now to take advantage of the flood before it ebbs, not to risk losing the tide owing to hesitation or parsimonious fears of spending what is a comparatively small sum of money in proportion to what is at stake. (Applause.)

MR. WRIGHT: Your Excellency, I beg to second. In doing so I would remark on the excellent speech made by the hon. Member for Nairobi North and the very valuable review and the history he gave of the facts attending the problems of future settlement. One reflects that a report such as that made by Major Cawthorne should never be possible again. One also likes to think that a reply such as that given by the Secretary of State to a reasonable demand for advances by the Land Bank, given some years ago, should not be tolerable any longer. One reflects also that the memory in Kenya—that Kenya memory—surely is very short in that the evidence given by the hon. member, the mover, this morning, made it abundantly clear that we on this side of the Council, and other bodies as well,

[Mr. Wright] have been hammering away at this proposition for more years than we like to think of. He has correctly identified the elected members very closely with this determined purpose which grows throughout the country that we must make provision now for the settlement that is essential after the war. We want to make it known first, that all the land required can be made available; second, that the Government already has machinery whereby vast areas of unoccupied and undeveloped land can be made available for settlement; and third, we want to make it known that our common purpose is that such land shall be fully and beneficially used by the people to whom we hope it will presently be allotted. The most interesting feature of the hon. mover's speech was that after a very long period of gestation that excellent Settlement Committee report gave birth to a very active, kicking progeny. That, however, has since been badly treated in that owing to the utter lack of encouragement afforded the scheme development and growth have not been possible at all. We know, and we have heard this morning, that the Agricultural Production and Settlement Board has constantly fostered the idea; we know, and some of us who have been active on it know, that the Land Board has put forward several very strong recommendations, and the elected members are all resolved that action must be taken to reach our common objective, differing only in the various ways and means whereby that common objective can be best achieved.

As Chairman of that body called the Elected Members Organization I feel that the difficulties and the points in dispute amongst us are not entirely unsurmountable, because I can assure Council that the goodwill that prevails to this purpose will in itself solve these difficulties and achieve the results we all want. Already there is a very considerable list of applicants, and more will follow, for farms. These come from young Kenyans, a few, and from a number of members of His Majesty's forces. Both are classes who have especially deserving claims on such a policy of white settlement as we seek to have in operation soon. Young Kenyans, because these

highlands of ours are their veritable birth-right, should have a certain priority in sharing in what is their own inheritance. In like manner members of His Majesty's forces from all over the Empire have a very special claim to such farms as may be allotted, on account of the fact that they have done more than any others to safeguard these places for us. Many of us in this Council and even outside it have for some time been concerned about the ways and means, not as affecting the acquisition of land but chiefly as affecting the vocational training, without which we are all in agreement it would be obviously unfair to allot farms to such people who will be making a totally new career of it. The hon. mover of the amendment has referred to one aspect, namely the facilities to be afforded by the Egerton School of Agriculture at Njoro. Some of us have considered the aspect beyond that: when conceivably after the war there will be rather an influx of applicants, and we hope that batches of fifty and upwards will come along to claim their farms, and the first consideration shall be their undertaking an agricultural course, short or long according to their knowledge of farming already. To such an end there is a proposal whereby what is now known as the Officer Cadet Training Unit, also at Njoro, could well be used and thereby save Government a vast amount of capital money for unnecessary new buildings. If these facilities are afforded—facilities in the way of dormitories, mess rooms, lecture hall and so on—it would prove adequate for batches of up to 100 or more trainees who should be willing to undergo the course. It is a consideration that should be given serious attention now because it is conceivable in a fast developing district that there may be other claims. The buildings are not permanent, except such buildings as the lecture hall and one or two others, but I am personally satisfied, and I have consulted people who know the construction, that they are good for another five or six years, long before which time we all hope that their use will be less for war training purposes and more for peace training purposes.

Apart from the vocational training part, it should be made public, I think, that some of us go far further in the

[Mr. Wright] future careers of these people whom we hope to acquire for our needy Colony than the mere agricultural training which will render them, we all hope, capable farmers, less questionably so than in the last settlement scheme, to go ahead in their holdings on terms as already outlined by the hon. Member for Nairobi North of such a nature as will keep them at their job and ensure them coming out on the right side, over a long period should they require it or less should they qualify sooner. So I should like personally to think that in batches as they will come along these young potential trainees shall develop another and wider view of Kenya, that they will realize the dignity and high importance of the position they seek to attain, that they will develop among themselves that fraternity that will help in the common effort, that they will learn of the complications that beset the body politic of Kenya as well as the workaday problems, so that they may the better be enabled thereby to form a junior convention of settlers among themselves and have all the problems of Kenya inculcated into their minds, and be the better enabled thereby to work together as young men for the improvement and advancement of this Colony, because we must recognize at once that these people are our future leading colonists, and we of the old generation should take a hand in seeing that these young colonials who succeed the pioneers will be more worthy in the building up of this Colony than those pioneers who with great difficulty have had to go before under the disabilities from which we still suffer.

I wanted to touch on one or two practical issues that are apt to be overlooked in the consideration of settlement prospects. I maintain that the three first prerequisites to the good economic farming unit are water, wood and fertile land; these three, and the greatest of these is water. Fertile land exists in great abundance in Kenya and much of it, I regret to say, is not now beneficially used, much of it is completely unoccupied, and much of it has never had anything done to it at all. There are some districts where wood lots are scarce, but with the will to do it and to do it properly, much

can be established. But water, already touched on by my hon. friend the Member for Nairobi North, is the chief determining factor in the stock-carrying capacity and land values wherever you go in Kenya, and that will be the crux of the worthiness or not of the scheme, and Government's action now will reflect on their intention, sincere or not, to make that a success. In that connexion I deplore the omission in the relevant paragraph of the report once again that no vote—even a token vote, which is about all we can expect in these days of hypothetical schemes—has been inserted for the exploration for artesian supplies. My home is in an area very fertile, fairly well wooded, but having only a tapering stream which wastes some 260,000 gallons per day from its confluence of two rivers before it reaches Lake Nakuru, which as you know has gone dry on several occasions. Most experts have thought it a hopeless task to seek for underground supplies of water in that area, but an enterprising man whose enterprise I would specially commend to the hon. Conservator of Forests, namely Mr. Beeston, decided to consult the specialist attached to the Public Works Department, who gave such a favourable report that he had a shot at it. It was a very successful shot, and the Beeston Timber Mills at no very great depth got 24,000 gallons of water per day, more than all they wanted. He is, therefore, the successful pioneer, and I want it made known, in water boring in our district at Njoro, but what I particularly wish to commend to the hon. Conservator of Forests—and this I say without consulting Mr. Beeston—is that the land on which he has established this most successful borehole belongs to Forest Reserve, and I hope that the Conservator will pay due tribute on account of that courage to that man who, without a title, spent a considerable sum of money to establish water supplies on land that was not his own!

Following that, we have engaged in other efforts. On behalf of an estate which I administer, I decided that we must also have a well, first having consulted the hydrographic engineers and specialists of the Public Works Department. We were alarmed when we had

(Mr. Wright) to go down to 450 feet, but were gratified when the hydro-static head proved to be so great that the water rose 315 feet in the bore hole, 135 feet from the surface, which is an easy lift. After 36 hours we got a yield to the maximum pumping capacity of the plant of 48,000 gallons of beautiful water a day, incidentally a quantity more than sufficient for our own needs and in the natural course of things to be generously shared with those who need it. We are attempting at another place in the same estate another bore hole, because I believe it to be a duty while such things can be afforded. I believe it too, to be substantially a district whose intensive development is limited by that determining factor, water supplies. If after the enterprises I have quoted, started by Mr. Bleston, in what is known to be a semi-dry or inadequately watered area, Government could with courage go ahead on a long range far-reaching scheme with such other plans as are available by private enterprise, military units and so on, and begin now, and out of the vast surplus funds being hoarded allow a fair amount for the provision of water supplies, I do not doubt that the object at which we are aiming, settlement in suitable areas, could be more quickly achieved. I am appreciative of the limitations imposed by your ruling yesterday, sir, and perhaps I am glad, because if Government is prepared to give an assurance on such things as the hon. mover of the amendment and one or two other speakers ask it may expedite the process and the debate can continue on the main motion, and the quicker enable us to get through our business this session.

MR. BOUWER (Uasin Gishu): Your Excellency, I wish to support the amendment before Council. It may be asked, what is the purpose of having to all intents and purposes a full dress debate on settlement in view of the fact that Government has accepted the report of the Settlement Committee which sat before the war, and has at various times indicated that it is still willing to go on with the recommendations which were adumbrated in that report? Also in view of the fact that it has put down a token vote of £5,000 in the Estimates? My

answer to that is, the reason why I think it is necessary to have this debate and why I think that such a debate will be justified, even although every member on this side of Council gets up and makes the same remarks and uses the same arguments, is in the importance which the elected members attach to the matter of settlement and, what is far more important, it will show what importance the country attaches to it, because I can assure hon. members—and I am quite certain you, sir, are aware of it—that the country feels very concerned about it. Whenever one meets two or three people together, even one for that matter, the subject that comes up for discussion as a rule is, what are we going to do about new settlement, what is Government doing about land? I had thought of saying that the policy of Government is a purely negative one, as far as settlement is concerned, but I agree that that would be a misstatement of facts, and I should certainly be laying myself open to the most withering reply from some hon. member on the opposite side. Therefore I shall content myself with saying that although it is not a negative one it is a very, very mildly positive one, and the last thing the country wants to-day is a mildly positive attitude as far as white settlement is concerned. What we want, if I may use the term, I cannot think of a better one, being scarce of words, we want a very very aggressive positive attitude towards white settlement.

If I may I shall give an indication of what I consider would be an aggressive positive attitude towards white settlement and one that will show that Government with this Council is prepared to really get down to tin-tacks and do something. If this amendment is accepted by Government it will certainly show that Government has nailed its colours to the mast, and that is what is required and what the country wants. We have got to nail our colours to the mast and say most definitely that we want new settlement. Another way in which I would suggest it would show where we stand is that if the money which is put down as a token vote was utilized to purchase land which comes into the market for settlement purposes later on. If we do not do some

(Mr. Bouwer) organized planning now we may rest assured that other countries definitely will do so and, what is more, some are doing so now, and they will have cut and dried plans ready to apply at the end of the war be it far away or round the corner, who knows? In that regard I would again draw hon. members' attention to the parable quoted by the hon. General Manager of the foolish virgins: do not let us forget to have our lamps full of oil. We have been fortunate in that in the past few years, due to the unfortunate catastrophe which has come over the world, it has brought to this country large numbers of young men, especially from South Africa, who have been in this country and defended our properties and our lives and who found this country good to look upon. They fell in love with it, and I do not blame them, because when I came here after the last war I fell in love with it, and this country is worth falling in love with. They have asked me, what are we going to do about it? and all I have been able to reply is that we want new settlers, we have certain schemes we want to apply, but there is nothing definite that we can say. I think that is wrong. I think we want to have some place where these people can come to, somebody who can tell them what is being done, and who can make that public. If we want to share in this brave new world that everyone is talking about, and I am quite certain that hon. members agree that we have every intention that we shall, we shall only be able to share in that new world if Kenya has a larger white population than it has to-day. In fact, I would go so far as to say that either we go forward or otherwise we will be forced to go backwards and our position in this country will decline to such an extent that we shall probably be forced out of it later on. Kenya, in my opinion, is capable of carrying a very much larger population of Europeans than we have even in our wildest dreams imagined, and I am positive that we could by some means, some method, or other attract that very much larger European population which is there to attract. We would solve many of the difficulties which appeared to be incapable of solution before the war very

much more easily than we would otherwise.

Of course, no scheme would be of any use and no scheme will be successful for attracting settlers into what to all intents and purposes is an agricultural land, when as hon. members know there is comparatively little crown land available for new settlement purposes and what there is of it is probably more suitable to settled persons who have local experience and who own land and are already in the country. If that was all the land we had I should despair of being able to attract a larger European population than I and many others in this country so ardently desire, but there is a very considerable amount of land in this country which is in the hands of private land owners. To all intents and purposes it is not being developed, and what is concerning this country at the moment is not only is that so but, according to the answer given the hon. Member for Kiambu this morning, there is a progressive tendency in the country for persons other than those of British origin to acquire land. I believe that to be a very undesirable position indeed. I believe, in fact I know, that there is in this country a very very great demand indeed that there should be no further speculation in land, and I think it is a demand we shall have to give heed to. The problem before Government—if I believe it accepts the policy, and I also believe it accepts the aggressive positive policy, of new settlement—must be to get that land out of the hands of people who either will not or cannot develop it, into the hands of people who will develop it. I want this morning to put forward a very special plea for the youth of this Colony, who either have served or are still serving on the various fronts, who are defending our lives and our properties. What is going to be the position when they come back and say to us that all they desire is a bit of land? and I believe there are many who will want to do that. What is the position to be when we say to them, "Oh, we are sorry, Government has no available land, the land is all in the hands of private speculators and in the hands of so-and-so, and we are afraid that if you want land you have got to pay the price asked for it." I believe every hon. member here

[Mr. Bouwer]
will agree with me that that will be a very intolerable position which those young soldiers, and some of them not so young, will not tolerate for one moment, and in their righteous indignation will either sweep us away like a lot of flies, just brush us away, and we will deserve nothing better because we shall have betrayed them. They have gone out to defend us, and in the meantime we have done nothing to defend their rights. The old world is disappearing, it is melting away before our eyes with its miseries and inequities, a brave new world is on the horizon. Let us have new ideas and new ideals and march forward together to that brave new world. Sir, I support the amendment.

MR. MORTIMER: Your Excellency, I beg to speak to the amendment that has been proposed by the hon. Member for Nairobi North. I would like first of all to express appreciation of the clear and full account of the history of settlement policy in this country which will be very welcome to the whole country. Kenya memories are proverbially short, and it is evident from recent articles and letters in the Press that there are many people in this Colony—and some of them who should know better—who have completely forgotten that there is such a thing as a declared and accepted settlement policy in this country, one that has been repeated again and again, and one to which Government has repeatedly expressed its adherence. The provision in the Estimates under the item to which the amendment refers is and always has been declared to be a token vote, £5,000, for the purpose of carrying out the settlement scheme which has been adopted by this Government and approved of by the Imperial Government. The hon. member's request for an increase in the provision in that vote is, I think, somewhat premature, as no definite proposal has been put forward as to the amount by which the vote shall be increased or the specific purposes for which an increase is required. I am authorized to say, sir, that when that evidence is forthcoming to Government and the need for an increase in the financial provision is apparent, Government will accede to the representations made, subject of course

to the approval of the Standing Finance Committee when detailed proposals are put before it. It was always recognized by the Settlement Committee, which submitted its report in 1939, that there would be need for a settlement officer in London and also for one here in Kenya with local agricultural experience who could assist in the preparation of the ground for new settlers and assist in their settlement when they arrived in the country. I am not convinced that the time has arrived when there is a need for a full-time settlement officer, but I am satisfied that there is need for someone whose duty it shall be specially to investigate the problems which the hon. mover has referred to, and I personally should support the allocation of such an officer, at any rate for part time, if a suitable officer could be found, for devotion to that particular task.

Reference was made in the speech of the hon. mover to a feeling that had been expressed in some quarters that the Agricultural Production and Settlement Board was not the right body to deal with settlement but that a new body should be created. As the hon. mover has said, it was inevitable that during the war the attention of that particular board should have mainly been concerned with production—problems and not so much with settlement. The time will come with the swing of the pendulum that production will cease to occupy the attention of the board to the extent that it does at present, and settlement will come into the forefront. It is one of the terms of reference of that board and one of the reasons for its existence that it should devote at any rate a good part of its time and attention to settlement questions, and I have heard no evidence at all to show that the board is not the correct one for dealing with settlement. Its membership consists of a considerable number of people who have given attention to the settlement problem and who are fully conversant with all its various aspects. There is in addition a settlement sub-committee of that board to which certain members of the public are being co-opted who have special knowledge of this particular problem and whose advice and help will be very welcome.

[Mr. Mortimer]

In view of what I have said about the purpose for which the amendment was proposed, that Government is fully prepared when evidence is offered of the need for an increase to accede to the request, perhaps the hon. mover, having served his purpose by moving the amendment, will be prepared to withdraw it in order that the debate on the main motion may proceed?

The hon. Member for Aberdare made some reference to the Land Board recommendations which have recently been submitted to Your Excellency for the provision of land for new settlement. The hon. Member for Uasin Gishu also made reference to the same proposals. I do not intend now to enter upon a debate on those recommendations, this is not the time for it, as the recommendations have only recently been placed in the hands of Government and a definite policy has not yet been decided upon. The problem is a very difficult one, and I believe I shall not be wrong in saying that even hon. members opposite are not united in their views as to the best methods of dealing with this particular question. The hon. Member for Aberdare referred with great emphasis to the need for the provision of water supplies on farms before settlement takes place. That is a subject constantly before Government in all its aspects and I need only refer to the fact that the Settlement Committee in its report in 1939 laid great stress on the importance of this question to the extent of devoting a whole chapter to the subject. Government is fully aware of the importance of making provision for water supplies, and will lose no opportunity of making financial provision necessary when the material provision is available for carrying out proposals. The hon. Member for Uasin Gishu demanded an aggressive statement of policy and asked that Government should nail its colours to the mast. All I can say is that Government has nailed its colours to the mast repeatedly, and this debate will serve as another hammer blow to the nails which attach the colours to the mast to make sure they do not come unstuck. The hon. member said that in reply to people who had inquired of him what settlement

proposals were before the country he could only say that certain schemes have been put forward and are under consideration but he could tell them nothing definite. If that is all the hon. member can say to his friends, I think his ignorance is deplorable, because there are certain very definite schemes which, as I said, have been accepted by this and the Imperial Government and are now in force with financial provision for putting them into operation when suitable applicants who have the necessary qualifications come forward. I yield to none in the earnest desire to help young soldiers who will be demobilized, we hope, in the not distant future, and I can assure the hon. member that Government is fully alive to the importance of being ready, not being like the foolish virgins caught with no oil in their vessels. I think I have covered the points raised in the course of the debate on this amendment.

COL. KIRKWOOD: Your Excellency, I am rising to support the amendment, and in doing so I am not ignoring any remarks that may be passed later that I have not mentioned any other scheme barring the European settlement scheme. If the Asian members in this Council formulate a scheme which can reasonably expect my backing it will have my backing. There is plenty of land, large tracts of land, in this Colony suitable for Asian settlement, but they do not seem to desire it, although they at times object to the Order in Council in reference to the European highlands. I am saying that by the way. The hon. mover very clearly showed what had been done in the past, and what has not been done, and what he hopes will be done, and I will leave it at that. My line of country is to show that the last settlement scheme, the Soldiers Settlement Scheme, was not a failure as has been asserted on occasions by people saying that it was a failure. That is not true, and I hope to deal with that later. The first thing that arises is, is Kenya a white man's country? I maintain that definitely it is. It is a wonderfully healthy country, with a wonderful climate and wonderful fertility, and I think as I have said before it is probably the greatest little Colony of the greatest Empire civilization, has

[Col. Kirkwood]

ever known. When dealing with a white man's country one has also got to consider whether it is a suitable country for children. I am satisfied after my long residence here, since 1920, when I came out here as a pioneer, that it is a suitable country for children to be reared in and educated in. The one drawback is that their education cannot be completed here, that the Education Department do not take them far enough, and a great number of boys and girls have to be sent overseas to complete their education. As regards fertility, there is no question about it, and as regards the average rainfall in the greater part of the Highlands it is most adequate.

The difference between the last settlement scheme and any that may follow is very great. In 1920, when I arrived, I thought I was coming to paradise. I was told that it was a white man's country, that it fulfilled all the qualifications I required. I have proved to my own satisfaction that it fulfils those conditions, consequently I am in a position to conscientiously advocate a further settlement scheme. I am well aware that Government has accepted the Settlement Committee's report and that it has also been accepted by the Colonial Office, and so we were again assured of that by the hon. Commissioner of Lands and Settlement this morning. When I came here, and others who came to Kenya on the original scheme, we did not have those facilities at our disposal which are now at the disposal of future settlers, and I will give a short list. The previous settlers did not have the amenities of what are now available, and this is the short list I made this morning. In the Trans Nzoia I was 120 miles from the rail head, and Nanyuki was probably further. That no longer exists, a line is built to Nanyuki and another into the heart of the Trans Nzoia, the Kitale branch line and the Thomson's Falls, and from Kisumu into the North Kavirondo native reserve. Roads did not exist in those days, except wagon roads, and the average progress was 10 miles a day. Now those wagon roads are motor roads on which one can travel at 50 to 60 miles an hour. There were no police in my district, and I speak from my own practical experience.

and the same conditions obtained elsewhere. There were no police. Now there are not only headquarters police but various sub-stations throughout the district. To-day we have wagon transport at five cents a bag mile, very good roads, and rail facilities, we have got hospital facilities, we have school facilities in the district and club facilities, we have doctors who were absent in those early days and for many years afterwards (I am speaking of 1920), we have an adequate water supplies in the various townships which have sprung up, and we have the Public Works Department and their water borer which has been most successful, we have telegraphic communication and telephonic communication, a trunk line throughout the Colony. We have agricultural officers available, we have agricultural experimental stations, we have veterinary officers, and in my own district we have an insemination station, the first in the Colony, and I am quite sure it will prove the advisability of having them elsewhere. We have a co-operative society such as the Co-operative Creamery to which anybody anywhere in the Colony can send their cream and if there are not rail facilities there are road facilities and not at the cost of the individual producer. As regards materials, there are sawmills in every centre so that timber is not difficult to get, we have an agricultural school which I hope will eventually turn into an agricultural college, at Njoro, and we have an agricultural plant breeding station for experiments in wheats suitable to the Colony. We have a bacon factory where it is only a matter of time when it will become a co-operative bacon factory, and we all know the terrific increase in the pigs that has occurred as the result of the war. These are very great facilities which were lacking when the original Soldiers Settlement Scheme was in operation, when there were many snags to be avoided, but we struck them all. When I tried to find my farm 120 miles from the rail-head I was advised to go to Kisumu, and I loaded four wagons with material for Kisumu. Luckily I found that the advice given me in Nairobi by the Public Works Department in Nairobi was incorrect and that I could not cross the suspension bridge over the Trans Nzoia.

[Col. Kirkwood]

river, so that I had to rail the goods back to Londiani. You will see that conditions to-day are so totally different to the pioneer days of some 20 years ago, and I will leave it at that.

As regards this being a white man's country or not, I claim that I have tried the experiment and I like the country. My three score years and ten do not weigh too heavily on me, and notwithstanding the efforts of the hon. Chief Native Commissioner I do suck my pipe and like my bottle. (Laughter). If anybody has any doubt as to whether to stand in and pull their weight with the scheme which appears to be going forward after many years with the goodwill of the country, I hope they will drop those doubts. As regards the health conditions in Kenya, I have not been out of the Colony since 1927, and have known people who have been here for 30 years and have not seen the coast, and they are alive and physically fit. In conclusion, I would suggest that what we got from watching the snags that others went through we have to watch for the incoming settlers when the next scheme gets into operation, to see that his finances are sufficient and adequate for the type of farming he is going in for; we also have to consider his adaptability and his experience. There were some soldier settlers who fell by the way; they do in every scheme and walk of life, but it is not due to the scheme itself. It was due to the conditions they were up against. It was difficult farming, and it is an impossibility to farm 120 miles from a rail-head at a profit. By the time you get your maize to Londiani, say, the value of the maize has been absorbed by the transport. But those conditions no longer pertain. I am quite sure that with the goodwill of Government they will accept this amendment. It is a matter of indifference whether a £5,000 token vote or a sum of £50,000 is inserted. The hon. Commissioner of Lands and Settlement pointed out that the money is not likely to be drawn on for some time, so I suggest that £50,000 should be put in under the same conditions, which would show the goodwill of Government. With that goodwill and the experience of the men who have gone through the fire in the previous settlement scheme, and with all

the amenities we have in the Colony now, I am quite sure that we can fill the countryside with happy homes and smiling faces.

MR. COOKE: Your Excellency, I rise to support the amendment. I do so with all the more pleasure because I was beginning to think I was the only member on this side of Council who was anxious about land for European settlement. I am now glad to see my colleagues thinking the same way! It is now over two years since in an address to the Rotary Club I advocated that land should be at once acquired. Has anything been done in the matter? Well, of course the answer is in the negative; nothing has been done. Had there been money available and had there been a policy the land which was recently sold on the Plateau, for instance, could have been purchased by Government and would have been available for settlement. My hon. friend the Commissioner of Lands and Settlement has said that Government has a declared and accepted settlement policy. Well, I should be paying my hon. friend too large a compliment if I described that as a half truth! It is not much use advising people to buy land if the money is not there and the land is not there. It is just about as much good as throwing a man down the back stairs and, as Dr. Johnson said, advising him to fall on his feet, because if the land and the money are not there it is no use talking in these terms. Reference was made to-day to syndicates buying land in this country, and I think there can be no doubt that land is being purchased from money supplied from non-British sources. I think the right way to deal with people who are doing that sort of thing is to bring in a property sales tax, such as I understand is in practice in South Africa at the moment and which Southern Rhodesia is contemplating. I hope such a tax would be made retrospective so that these people who are dealing in land in this Colony would not be allowed to get away with it.

I am glad, if I may say so, that my hon. friend the mover has wakened from his long sleep in this matter and that his long sleep is heard in the land. Once more his voice is heard in the land. My hon. friend talked about floods. Well, he has cast his bread on the waters to-day. I hope that bread will be returned

[Mr. Cooke]
before many days. But his speech should have been made two years ago so that the bread cast upon the waters then might be returning to-day in the form of good wheaten bread and not the maize meal adulterated bread we have to consume to-day. He talked about the effect of drawing the attention of the world to the possibilities of these territories. Well, I am afraid that that is exactly what the Settlement and Production Board has unfortunately failed to do. If we are going to attract new settlers to this country we must prove to them that this country can produce. Words, words, words are no use. For instance, England, it was announced over the wireless yesterday, hopes to increase her production by 15 per cent next year and to produce four fifths of the food consumed in England. If that little island with all its other activities, and its munition making and everything else, can do that, I think it is a terrible indictment of this country that we shall probably have to import next year about quarter million bags of maize, and possibly even wheat flour. I hope the hon. Member will not withdraw his motion and I hope it will go to a division, because we have had too much withdrawing of motions and amendments in this country and the country wants to see something more positive than that.

There is a great deal of talk nowadays about the faults of the Colonial Office and all that sort of thing, but I suggest that we put our own house in order before we start criticizing other people. This country is being laid waste, most of our rivers are being polluted, forests being cut down, and land is being held up for want of development, so I suggest that we should put our own house in order before we utter any more criticism of the Colonial Office or any other place. With these words, Sir, I support the amendment.

MRS. WATKINS: Your Excellency, I will not keep the Council more than one or two minutes, but I should like to say in support of the amendment that I think the most important thing of all is the selection of the men, not, I am afraid, to welcome every soldier just because he was a soldier, but to think whether that soldier is going to make a

good settler and a good farmer, and that is quite a different matter. We had tragedies out here after the last war, and I do not think anything that Government did or could have done was so damnatory to our country as the flood of disgruntled farmers that returned to the British Isles from Kenya with stories of hardship and who talked, for all to hear, of the impossibility of making a living out of the land. That is what did more harm than anything else, and that is what we have to avoid in the future.

I was more than glad to hear the hon. Member for Aberdare say that we were going to try and train these men before they go on to the land. I do submit that there ought to be something right at the foundation of all this planning, whether we have to draw our licence for farming from the Director of Agriculture or some other arbitrator, but it does not seem to me possible to bring about any more supervisory farming here. We have too many supervisory farmers; we want the real practical men who can do the work. It is a most important point. It is even, if I may say so, more important than money; it is more important even than water boring. Spoon-feeding will never do agriculture as much good as the real, practical, hard-working farmer who can do his own work. I know Kent and Sussex well. I was born and bred there, and I know most of the farmers in those parts, be they hop gardeners or dairymen, and I know their farms are run with much less labour and more knowledge than our farms out here. That is the type of farmer we want to attract. We should say right off that conditions out here are not planter's conditions, but they should approximate to English conditions, when you have to milk your own cows and do quite a lot of your own work. That I think is a point which has been overlooked by a great many people here. For instance, the hon. mover said how deplorable it was that a batch of retired Indian Civil Servants had not been able to find some plan ready here to help them start as farmers. I speak with a certain amount of experience, as I think Council will admit, when I say retired Civil Servants are not always cut out to be farmers (laughter). I know what I am talking about on this thing (laughter), and I

[Mrs. Watkins]
that I am very proud of the fact that at least one civil servant has turned out to be a farmer! But I do not think it is easy, and to settle a retired Indian-civil servant on a pension on the land in Kenya, hoping he is going to farm, is merely to send another disgruntled man overseas to say what a dreadful place Kenya is. When I was attached to the other side of this Council I had quite a lot to do with these poor men and women in the last slump after they had crashed. I can say the fault was not theirs but ours for encouraging them to come here. I do particularly say that, more than an aggressive policy, more than any other kind of policy, we want a discriminatory policy, to discriminate between men, and I think the hon. Director of Agriculture will have to undertake the task of licensing us who are to be real farmers. I am quite certain he will not give me a licence (laughter), but I still think that a licence is necessary.

MR. RENNIE: Your Excellency, I should remind hon. members of what was stated in respect of this vote in last year's Standing Finance Committee report. It is unfortunate that what was said then was not made more clear this year. If I may quote paragraph 58: "The Committee were of opinion that the time had now come when it might be possible to implement the policy of settlement proposed in the report of the Settlement Committee, and they accordingly recommend the provision of £5,000 for this purpose." The position, Sir, remains the same. The Government fully intends to implement the policy of settlement proposed in the report of the Settlement Committee which has been accepted, with minor modifications, by the Secretary of State. The amount that appears in the Estimates, as has been stressed this morning, is in fact a token vote and if more money is required, that money will be forthcoming. As regards what the Government has done for closer settlement I have to add that the list that the hon. Member for Trans Nzoia recounted is as good an advertisement of what Government has done as I have heard for some time. (Laughter).

HIS EXCELLENCY: In view of the statement just made by the hon. Chief

Secretary I do not know whether the hon. mover wishes to put it to a division.

MAJOR CAVENDISH-BENTINCK: Your Excellency, as the object of this motion was to get an assurance from Government that specific sums would be put in as suggested in the Estimates, in view of the assurance given, with the leave of my seconded, I am prepared to withdraw the motion.

HIS EXCELLENCY: The motion is with the leave of the Council withdrawn.

The debate on the original motion was resumed.

MR. BOWER: Your Excellency, I should like to get an assurance from Government on paragraph 97, item 23, head 39. In here it is stated that the Kenya Girls High School intended to use the present Primary School buildings. What I want is an assurance from Government that this will not prejudice the building of a new school at the earliest possible opportunity.

DR. WILSON: Your Excellency, the only subject on which I wish to speak is the subject of Controls. This is referred to in paragraph 114 of the report and in the minority note at the top of page 15. There is no doubt that the present position as regards the financial details of the Controls, "their financial aspects and implications," is unsatisfactory. Paragraph 114 suggests this and the minority note definitely states it. The Committee is said to recommend that further examination of this question shall be given in 1943 when the accounts of the Controls for 1942 are ready. Naturally that suggests unwillingness or inability on the part of Government to give us the facts and figures here and now. The two Controls in which I am interested and in which the natives are particularly interested are maize and meat. In the original debate on the Draft Estimates I referred to these two Controls and complained that details of revenue and expenditure had not been made public. For this complaint I was quite properly taken to task by the hon. Director of Veterinary Services who said that, as far as the Meat Control was concerned, the full figures had been published in the Official Gazette every six months. I accept that rebuke and apologise. When

[Dr. Wilson]

I spoke I was not aware of those figures and I express my regret now at having implied that the figures of the Meat Control had never been made public. But while offering my apologies to the hon. Director of Veterinary Services I wish to offer him my sincere thanks for having called my attention to these most interesting and illuminating financial statements.

Paragraph 114 of the report says: "Several members of the Committee expressed the opinion that . . . it was the duty of the Committee to investigate the financial aspects of the operations of Controls." I hope I shall be in order, if I explain very briefly the result of my investigation, as a member of the Committee, into the financial aspects of Meat Control as shown in these statements in the Official Gazette. I am referring to the Supply Board Meat Control balance sheet and income and expenditure accounts for the three six-monthly periods ending December, 1940, June, 1941 and December, 1941, and the similar statements of the Supply Board Live Stock Control for the six months ending June 30th, 1942. From these statements I gather—and I am quite sure my hon. friend will be ready in due course, to correct me if I am wrong—that by the 31st December, 1940, the Control had made a net profit of over Sh. 96,000, having written off capital equipment to the amount of over Sh. 24,000. During the next six months the net profit was nearly Sh. 155,000 fifty per cent more than the previous six months, and another Sh. 25,000 for capital equipment had been written off. During the next six months ending December 31st, 1941, net profit had risen by another fifty per cent to Sh. 235,000 and for the last period recorded, ending June 30th, 1942, the net profit had risen by more than one hundred per cent to Sh. 477,000. The total gross profit made by the purchase and sale of cattle over these two years amounts to £92,000, and out of that sum nearly £22,000 has gone in salaries.

Now, Your Excellency, quite plainly and frankly, I do not like those figures. They seem to me, with this annually increasing profit, to represent something very different from the picture painted by

the hon. Director of Veterinary Services when he spoke of operating with just a reasonable margin of profit to provide against contingencies. Of course, what makes these figures all the more unpleasant is that this profit has been made by the compulsory purchase of native cattle. I wish to quote the answer given by the hon. Financial Secretary to the question asked by the hon. Member for the Coast a little while ago, and that answer contained this statement: "Profits have been accumulated amounting to Sh. 646,578 at June 30th, 1942. 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. From the answer to a further question by the hon. Member for the Coast we learned: "The Government is satisfied that the Control has been managed efficiently and economically and is confident that the Control will continue to be so managed." Well, one can only wish that the Control had been managed with less disregard for the interests of the natives. So much for Meat or Live Stock Control. As for Maize Control we are still completely in the dark. The Standing Finance Committee knew nothing about the figures and neither does this Council. I still maintain that these facts and figures should have been disclosed long ago, and I think it is regrettable that Government's inability to give us these figures and to supply the information which was obviously required by the Committee should have resulted in the unsatisfactory conclusion to paragraph 114 which I have already quoted.

I hope that Government is at last alive to the real necessity for the further and complete examination of the accounts of the Controls, and I would go further than this recommendation of the Committee: that further examination should be given in 1943 when the accounts of the Controls for 1942 are ready. It may be a very long time before the accounts of the Controls will be ready and I think that at least the Maize Control statement should be published as soon as possible, possibly even sooner than that interesting and rather elusive period so popular to Government: "the near future".

MR. PAROO: Your Excellency, I must say that I was disappointed to see the recommendations of the Standing Finance Committee concerning Indian education. When the hon. Financial Secretary last month moved the Estimates he said that already the hon. Director of Education had asked for some additional money for education. At that time I was very pleased and hoped that Indian education would receive an adequate share of this additional money to counterbalance its original shortcomings. When I refer to paragraphs 49 and 50 of the report, I find that the hon. Director of Education has asked for an additional vote of £260 because of the large increase in the number of children attending the Government Indian High School, Nairobi, as he required two fourth-grade teachers at a cost of £260 per annum, and he was also very kind in asking the committee for the provision of another £100 in order possibly to grant bursaries to Indian students in 1943. To both of these recommendations the committee graciously accorded their consent. But in my opinion, this increase of £360 is very very inadequate, knowing that there is a great demand for education from various quarters. It will be interesting for impartial critics to note that in 1943 it is proposed to spend £71,235 for European children and in the same year it is proposed to spend £52,636 for Indian children, but when the numbers of children affected are compared the disparity becomes too obvious. As I said in my budget speech, I do not wish to begrudge the expenditure for the European children or raise any racial question, but I wish to point out and very strongly too that children of Indian descent have made this country their home and call themselves Kenyans, have every right to demand an equal share in the country's revenues for their education. We shall continue to press for this until Government or for that matter the hon. Director of Education becomes less parsimonious towards Indian education. I wish to refer now to paragraph 48 of the report, regarding the question of the European principal for the Indian Girls High School. Here it is simply noted that "Mr. Kasim asked that his objection to a European principal being provided for this school should be re-

corded". In this connexion, I wish to point out to a recent resolution of the Indian Association, Nairobi, which was passed on the 2nd of this month disapproving the appointment of European principals in any Indian schools. It is true that in the past the Indian leaders had favoured such appointments, but experience has shown them that these European principals have been unable to understand and appreciate our needs. It is also true that some of the sectional schools carry on very well with European principals, but their position is different. In the sectional schools I happen to know, being in charge of several schools, that these principals come under the direct control and supervision of the management body, whereas it is entirely different in the Government schools. However, I hope that this matter will be dealt with in the light of the Indian leaders' advice.

Continuing in connexion with education, I should like to refer to paragraph 98. It recommends that further consideration be given to the needs of a new Indian girls school building at Nairobi during 1943. I hope that this matter will not be shelved again for another year. Now I would like to refer to certain points arising out of the report. First of all paragraph 30, regarding pensions to the *liwalis*, *kathis* and *mudira*. Here one more word should have been added saying that the committee noted with satisfaction that the question was at present under consideration, instead of merely saying that the question was under consideration. The word satisfaction would have shown that the committee was in favour of supporting such a move. Paragraph 65: this refers to an X-ray set for Mombasa. Always the coast has been treated with step-motherly treatment by Government, and here a new set is to be bought for Nairobi hospital and to be bought for Mombasa. Paragraph 112 refers to the second-hand one is to be given to the Mombasa. Paragraph 112 refers to the Price Control. It has asked for an additional £7,000, making £25,000 to be spent in 1943. The last two lines of the committee's report are somewhat interesting: "It was noted that fines imposed as a result of convictions for offences against the Price Control Regulations offset to a certain extent the cost of this

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[Mr. Paroo] Control". I think the name of this department is a misnomer; it should not be called the Price Control, but the Price Prosecution Department, as we know it has failed so far to control prices and it is trying to balance its budget by prosecuting the merchants who may be concerned with it. I still believe, and firmly believe, that if we want price control the methods I showed in my last speech, if brought into being, would reduce the black market very much.

Lastly, I wish to refer to paragraph 116, which was the subject of a very lengthy debate last week. I support the idea that the salary scales of the Kenya European Civil Service should not be incommensurate with the duties imposed, but I wish to have an assurance from Government similar to that given the European Elected Members Organization last week, that the Kenya Indian Civil Servants also require their case to be investigated and that there will be created for Kenya Indian boys salaries and terms of service on a reasonable and equitable basis.

At the moment the position is very uncertain. At the moment learner clerks are taken on by various departments, and complaints have reached the Indian Elected Members Organization recently concerning an assurance given in a Government department that learner clerks would be taken on the permanent staff after a probationary period of twelve months, but according to some young men it seems that the department has not carried out its assurance. I do not wish to disclose the name of the department as the Indian Elected Members Organization has decided to see the head, and it would not be fair on my part to make the complaint without hearing the other side. But the position, as I say, is very uncertain, and to avoid such complaints the matter should be looked into by Government, which should take steps to ensure the future of the Indian youths when the recommendations in paragraph 116 are implemented.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 17th December, 1942.

Thursday, 17th December, 1942

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 17th December 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 16th Dec., 1942 were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 81—EAST AFRICAN CURRENCY BOARD

COL. KIRKWOOD:

Will Government please state the position of Kenya currency and its relation to the East African Currency Board:—

- the total issue of Kenya currency;
- the amount held by Kenya Treasury;
- the loss, if any, debited to Kenya?

MR. TESTER: There is no Kenya currency as such. The currency circulating in Kenya is East African currency which is controlled by the East African Currency Board.

The total value of East African currency in circulation on the 31st of December, 1941, which is the latest date for which official figures are available, was £10,988,432 19s. 12c.

By "the amount held by Kenya Treasury" I assume that the hon. member means the amount held by the East African Currency Board at various centres throughout East Africa, as the Kenya Treasury only holds sufficient currency to meet ordinary transactions, and this currency is in circulation in so far as the East African Currency Board is concerned. The total amount of serviceable stocks in East Africa on the 31st of October, 1942, which is the latest date for which figures are available, was £6,809,535.

As regards the last part of the question, no loss incurred by the East African Currency Board has been debited to Kenya funds.

COL. KIRKWOOD: Arising out of that answer, may I ask if there was a profit? The reply only mentions that there was no loss.

MR. TESTER: The answer is that no profit has been credited to Kenya currency.

No. 98—MAIZE IMPORTATIONS, 1943

MR. COULDREY:

In view of the great probability of a serious shortage of maize in Kenya in the first half of 1943, will Government give an assurance that arrangements have been made or are in the course of being made to import from outside of the Colony sufficient maize to counteract this probable shortage?

MR. TESTER: The Government has already instituted inquiries regarding the possibility of obtaining maize from outside the Colony during the first half of 1943.

DRAFT ESTIMATES

STANDING FINANCE COMMITTEE REPORT

The debate was resumed.

MR. VINCENT: Your Excellency, in referring to the Standing Finance Committee report on the Draft Estimates, the hon. Chief Secretary raised a number of points which I consider require further comment.

The surplus balance: There is a great danger in the exaggeration of the surplus balance, whether deliberate or otherwise. More than one person has spoken to me since the Estimates were produced and has called my attention to the fact that we have a very large surplus balance and why should we therefore apply for loans under the Colonial Development and Welfare Act. I did draw the attention of this Council some time ago to this danger. I was very pleased when the hon. Chief Secretary told us that in regard to the widows and orphans pension scheme the funding of it might reach an amount of £500,000. £500,000 from £1,300,000 leaves £800,000, which might be a better indication of our surplus balance which is available. Funding costs may be greater than contributions already paid. I am aware of that, and that is why I pressed for this matter to

be clearly set out on page 5 of the Estimates. I think in fairness to contributors to that scheme that we must bring this forward prominently, we must make it plain that these funds are contributions so that contributors are safeguarded. He also told us that passages were forfeited, or may be, because of the lapse of time during the war. My point is this, that although you can forfeit a passage you should make provision for the passages which have already been earned. Your surplus balance to-day is increased because these passages have not been paid, and therefore that amount should be provided for and, if necessary, revoted until required, because we have to make provision for these passages eventually, and it is illogical not to make provision for them from the surplus already existing during the period they were earned. The hon. Chief Secretary already gave us a very frank warning that the full investigation of the various posts included in the Kenya European Civil Service and the salaries attached, the investigation which was agreed to by Government under paragraph 116 of the Standing Finance Committee report, would be delayed. I see good reason why it should be delayed, because of the tremendous pressure of work at the present time, but I do hope that it will be delayed a reasonable amount of time and not, for instance, as in the case of the contributory pension scheme which has already been delayed seven or eight years. I also feel that in fairness to the people affected Government might very rightly and very justly make any decisions to their benefit retrospective. While agreeing with hon. members who have sounded a very rational and sane note of warning about extravagant expenditure, I submit that expenditure on lines compatible with justice and a contented staff is wise expenditure. A wise financial policy should not unjustly be to the detriment of the employees of Government. I think we must take great care in our anxiety to keep down our commitments that those things are kept in mind, justice and equity.

If I may, I would like to refer to the little battle that we had over additional taxation. I would like Government to consider that, if proposals for increased taxation are coming before the Standing

[Mr. Vincent]

Finance Committee or any other body, those proposals should come forward in their fullness as a complete picture, because if an opinion is wanted of me I always ask, and very justly, for the facts, and for the whole implication surrounding any proposition, before I can give a decision or a recommendation. As you know, the tobacco tax was brought in, but when we were considering increased taxation on the Standing Finance Committee we considered three heads, two of which were practically 100 per cent non-native. To my mind, I was considering the whole picture under three heads and not a portion of it which, unfortunately, has in the end proved to be much more severe on the native than on the other sections of the community. If the three items had been adopted the incidence to each community would have been quite fair. Any decision in the Standing Finance Committee which is taken on these matters in future, instead of being put into the report, which may constitute a danger through leakage of information, can I submit be minuted in the minutes of the committee, and then we shall all understand exactly where we are, and I think that until that is done nothing should be taken as being a recommendation of the committee in part; or as a whole. I greatly regret that this incident should have marred the budget session of the Standing Finance Committee, which was conducted in a most fair, impartial and able manner by the hon. Chief Secretary, and I believe that the whole difficulty which has confronted us was due to a complete misunderstanding because of the lack of the picture I have attempted to draw this morning.

There is one point to which I would like to refer generally. I have noticed on the other side of Council what I may describe as a mild surprise at the attitude of the unofficial community, or unofficial members in this specific instance, towards natives and native welfare. No doubt this evidence of the care and attention which the unofficial members are paying to native welfare interests may be a severe disappointment to those moralizing perverts who have gained personal notoriety in England by continuously slandering the white community of this country and, as the com-

munity has no redress, or very little, I would like to make it quite plain to members on the other side of Council, although I think it hardly necessary, that in my experience, quite apart from the proceedings of this Council, I have practical and sincere evidence in practically every committee I attend, and many of those have no publicity at all, of a sincere desire to see that native interests are safeguarded. We all may have different ideas and different methods of safeguarding native interests, but nevertheless they are all to the one end and are very sincere. An hon. member warned us that the pawn, though small, moves only forward. The pawn in the game of this country, however, is the European community, which certainly is moving forward with irresistible force but with a high regard for what is right and just, especially towards the natives, and in this spirit will surely become formidable and must prevail.

LORD FRANCIS SCOTT: Sir, there are a few points which I would like to touch on in this report. The first is paragraph 64, which informs us that it has been decided to spend £1,000 on the construction of dispensaries in the Molo and Londiani areas "on condition that the local residents contribute on a £ for £ basis." I am very glad to see that that has been inserted, and hope it will be the forerunner of many more dispensaries in other parts of the country on the same lines. One little point: While I understand that the capital cost is on a £ for £ basis, the current expenditure is from Government funds—is that correct? The next point is paragraph 69, the co-ordination of the police and tribal police in certain districts. I am very glad that Government have decided to start on the policy of the ordinary police force in this country functioning in native reserves. I think this is a move which has been long overdue, and is necessary. This recommendation, however, only goes a very short way and applies to three districts which, of course, will not give a true picture of the success or otherwise of this change of policy. I trust that the Commissioner of Police will be given a full chance of proving whether he can improve the police position in the native areas. I feel that it must be very neces-

[Lord Francis Scott]

sary, for one argument perhaps, in that I understand that when asked how much of the tribal police can be dispensed with the Provincial Commissioner's reply is "Hardly any at all or very few," which shows that the tribal police are so fully occupied with other duties that they cannot have time to deal with the purely police side of their work. I must say that from my experience as a farmer one finds that if one employs askaris it is quite useless to expect an askari of any particular tribe to take action against other members of that tribe, so that you do want askaris of different tribes to deal with the people which one has on farms. The same, I presume, applies to an even greater extent when dealing with native reserves.

Paragraph 79: I am also glad to see that the principle of having a road engineer has been adopted, and I should like to ask the hon. Director of Public Works whether in his opinion the specification for the main trunk road between Naivasha and Gilgil is on a sound basis. I have heard criticisms of that road on two scores—first, that the foundations are not deep enough, I believe there are six inches of stone, and therefore the ballast will not stand up to the traffic, and secondly, that the carpet on the top, the bituminous carpet, should be wider. Not being an engineer I am not prepared to give an opinion on the first point, but I do think it would be advisable to spread the bitumen rather broader than it is to-day so that when two cars pass they can both remain on the bituminous surface; if not, they have to go on to the stone part on the outside which is apt to work loose in consequence, and I think in the long run it will pay to have more bitumen put down. In paragraph 88 there is a recommendation that the Statistical Department should be re-established. I think that probably we all agree it is very advisable to have a Statistical Department. We must also agree that such a department to be of any use must be 100 per cent efficient. Statistics can be extremely useful, they can also be extremely dangerous, and unless the department is run on a very efficient basis figures are bound to be dangerous. I was a member of the

Expenditure Advisory Committee which very reluctantly recommended the abolition of this department. The reasons were that at that time the statistical officer, Mr. Walter, informed us that he had then been appointed as a whole time Director of the Meteorological Service and would not be able to carry on the Statistical Department; at the same time, most of his staff would go with him. We were thus faced with the position that to keep the Statistical Department going we should have to import from outside a highly trained statistician and staff, which would cost a great deal of money, much more than the department had cost in the past. As we were a committee constituted for the purpose of reducing expenditure, we were faced with the alternative of either recommending a considerable increase of expenditure or abolishing the department altogether. That is the reason why the department was abolished. I do hope we are not going to have some half fledged sort of department with the kindly supervision of Mr. Walter in his spare time, and if it is going to be re-established we should do it on a thorough scale and be prepared to spend a considerable sum of money because, of course, the £1,000 put down here will not achieve that result in any way.

The next paragraph I should like to refer to is 106, the Naivasha water supply. For many years as the member for that constituency I have urged that something should be done to improve this water supply, and I am very glad to see that it has been at last agreed to. There is a point, however, that I should like to ask about: Why is it that any of these undertakings by the Public Works Department always cost about twice as much as similar work done by private enterprise? I have had a certain amount of experience of bore holes on my own farm, and if the expense had been anything like that put down here I certainly should never have been able to make an attempt to get water at all. The last point I wish to speak about is that raised by my hon. and learned friend Dr. Wilson about various Controls. He referred to two, which do not appear in the Estimates at all, the Meat Control and the Maize Control. Like him, I feel very

[Lord Francis Scott] strongly that we should know more about the cost of these Controls, and especially the Maize Control. When we had a debate on this before I advocated that Government should bear the expense of the Maize Control so that we should know exactly what it did cost and the details, but at the moment we know nothing. Six months have gone by since it started, and I do trust that we shall be given the fullest information. With regard to the Meat Control, at first sight the profits which have been made seem to be very large, I think Sh. 96,000, but one has to remember that very large numbers of cattle have gone through that Control, and if you work it out it may not be so large as at first sight appears. It may be a case of small profits and large turnover, which I believe is considered sound business, but as we have this large profit I want to urge Government that that money shall be used in a beneficial way from the point of view of the native pastoral areas. We all know that these pastoral areas have got overgrazed and their value is depreciated in consequence, and the only remedy we have adopted in the past is a negative one, of destocking. Destocking is necessary, and to get rid of all scrub stuff is, a good thing, especially scrub bulls, but I do submit that it is our duty to the natives and to the country itself to adopt a more progressive and beneficial policy, not only of destocking but to improve those pastoral areas, so that their carrying capacity is greatly improved. It can be done, though it may be difficult. One will be up against the traditions of those pastoral tribes, and no doubt meet with a certain amount of opposition from the more conservative minded among them. But Government should not be deterred by that, and I trust that any profits made out of this Meat Control will be put into a fund which shall be definitely earmarked for improving native stock and the native pastoral areas, and as we have this money now I hope it will be carefully conserved for that purpose and will be the means of starting practical experiments to improve the carrying capacity of those areas. If Government adopt a definite policy on these lines it will be of great benefit to

the native pastoral areas and to the country at large. I support the motion.

Mrs. WATKINS: Your Excellency, I have also been asked to inquire about the total expenses of Maize Control. I need not say anything more about it because the Noble Lord the hon. Member for Rift Valley has already done so, but we very much hope we shall be given full particulars. I know Kiambu voters are very anxious to have them.

Under the Medical vote I am most distressed to see no extra doctor allowed for the Nairobi dispensary. Of the five doctors said to be attached to the native dispensary and to have their surgeries there, I would point out that one doctor is in charge of 1,000 school children, one doctor does all the Railway employees, one doctor is an oculist and does all the Government eyes, plus taking private patients (I am one of them), leaving two sub-assistant surgeons, as far as we know, for the native health down there. I would also like to add that from my own personal experience, which covers a great many years, no native of mine has ever seen a European doctor there unless my husband or possibly myself has waited with him for some little time and taken him in. I think that is the whole truth. I would like to add that it is not my technique to withhold the whole truth unless perhaps the whole truth as I see it is sometimes a little too drastic, and I might on those grounds not state the whole thing as I see it, but I will point out that the whole truth is that the native dispensary has only one or two sub-assistant surgeons, that the other doctors, in whom I also have every confidence when they are there—but it is difficult to have confidence in a doctor who is not there or whose duties take him elsewhere—are not there for the natives; they are there for the Government dispensary, but not for the native side of it as far as I can see. They may have the organization, but I still think some of our natives badly need more attention and quicker attention than they can get down there, and I deplore the fact that there is no extra doctor going to be allowed this year for the dispensary.

About Meat Control, Your Excellency, I am absolutely with the noble lord the

[Mrs. Watkins] hon. Member for Rift Valley that we ought to have something to improve the native stock, for most of the profits have come from this source because my own natives give me the impression that they feel that we are doing them down about their stock in some rather veiled Government way. They said as much the other day when I had to sell off some of my own scrub stock and they thought it was much worse for the native than the white man. It may be presumption on my part to suggest how that money might be used for the pastoral natives reserves, but I think we should feel rather relieved if we knew that destocking was going to end in something rather better for them than just taking away scrub stock for the military. They feel that they perhaps have been rather hit about it.

I would take up one remark made by the hon. Chief Native Commissioner that we on this side of the Council were using the native as a pawn. I think we are perfectly sincere, perhaps because it pays us, or perhaps because we are fond of the native, that we want to see him well treated, justly treated and progressively better treated.

MR. COOKE: Your Excellency, I should like to start with paragraph 116, and then I am going back. I am beginning to think my hon. friend the Chief Secretary is a very clever man indeed. (Hear hear) He has an innocent and open countenance and, of course, against him my hon. friend the Member for Aberdare just does not stand a chance because he is a bluff, honest farmer without any guile! And hence we have the side-tracking which took place over the Police Report. Now I pressed strongly for a select committee, but apparently the hon. members on this side of Council, although we did agree in secret conclave to press for this, were influenced by the eloquence of my hon. friend the mover. I feel very strongly indeed in this matter, and I trust the case of these six or seven police inspectors who have stagnated on a salary of £400 a year will be carefully considered. We had that case the other day of one of them who was receiving roughly £380 a year and who was put in the bankruptcy court. I

declare, without any fear of contradiction, that that is a disgraceful state of affairs. My hon. friend has given what he calls an assurance that this matter will be considered, along with the whole matter of the general terms of the Kenya Civil Service, but we know of course what that means; it really means that it will remain "under consideration" for a long period, and I have noticed—I mentioned it before, but in fact I rather understated—that there are two members of his own Secretariat who have stagnated, but there has been no difficulty in providing them with a special personal allowance. And there should be no difficulty, certainly for anyone as clever as my hon. friend in devising a formula for giving these policemen what they are justly due.

Paragraph 37—guarantee to farmers—I am sorry that there is no provision for the subsidization of the maize industry. We heard this morning that it may be necessary to import maize. I think that is a shocking confession for a country like this, as I said yesterday, and it is even more appalling that our sailors and our ships should be risked, to bring to this country what should be grown here. I do not think anyone can accuse me of not being a supporter of the African. But I do see nothing ethically or in any way economically wrong in paying the African a less price for maize because his cost of production is less, and I therefore urge strongly that this maize industry should be subsidized, to assist European growers, because we must have maize; and you may call it what you like—call it blackmail if you like—but if we have got to have maize we have got to pay for it. Actually it is not like that; people cannot be expected to grow maize and lose on it.

My hon. friend referred to the saving on passages and the hon. Member for Nairobi South also referred to it. I take a rather different view from the hon. Member for Nairobi South, because I feel that in respect of these officers who have done what would normally be two tours without getting home, such money, instead of going into the coffers of Government, should be paid to these officers, because they have been doing very hard overtime work under, in many cases, just

[Mr. Cooke] as trying circumstances as people who are in the Military. Anyone leaving the armed forces is entitled to a bonus, and I do not see why this passage money which is being saved should not be paid to these officers when they go on leave. If there is anything in Colonial Regulations against it it should be got over. I should like to support what the hon. Member for Nairobi South said about the funding of pensions. I must say I was shocked to hear that it would come to something like £500,000. I notice also that our guarantees to farmers comes to something like the same sum, and also we have sent home to England what I think is really a free gift—I shall be surprised if it comes back—another £500,000, so in fact a surplus balance is non-existent so far as I can see. I should like to support what the hon. Member for Rift Valley said about tribal police. I have changed my mind actually about that because when I was in the Administration I was not in favour of regular police in the reserves, but things have moved very rapidly since then, and I have had several discussions with people who know about this sort of thing, and it seems to me absolutely necessary that the Kenya police should be stationed in the Reserves. I hope the hon. Provincial Commissioner, Nyanza, whom I am sorry to say we are going to lose after this session for a short time, at any rate will give us the value of his experience about tribal police, if he gets an opportunity afterwards.

I am afraid I am going to be provocative about paragraphs 93 and 94. I am very glad to see Government has gone into a housing scheme, and it is very encouraging to us on this side to know that Your Excellency has appointed a committee. I went over some houses the other day with the Municipal Native Affairs Officer, who, if I may say so, is doing very good work in this connexion, and I was very much struck with the amazingly good results obtained, but we are not nearly going far or fast enough. My hon. friend the Chief Native Commissioner had what I must call the impudence to remark that we were just making the African a pawn in the game and talked about pawns advancing. I

need not remind my hon. friend, being a chess player, that pawns sometimes go back. After they reach the final line they can return and take part in the game as queens and knights and other pieces. (MR. HOSKING: That was the point of my remark).

The point is this, that I was very surprised to hear my hon. friend the noble lord for Rift Valley saying "hear hear" to such a sentiment. I hope he has not joined with the hon. Chief Native Commissioner in calling us a lot of hypocrites on this side of Council and insinuating that we are "cashing in" on the African: but when I heard him yesterday asking a question in which he stated—and apparently was wrong in his facts—that an unfortunate African had been struck by an Indian, I thought perhaps he was coming round to our way of thinking, and also, of course, this morning he has taken the line about the Africans and the surplus balances in the meat pool. These surplus balances the Chief Native Commissioner will support me. I had already brought to the attention of Government. I do say this, that I am a critic, and have been a critic of the settlers of this country before and since I joined the unofficial side, and I have not changed my opinions with regard to the support of the natives, but I do say that both on committees and on our Elected Members Organization there is real desire to advance native interests. There is one small point I should like to dwell on by which I am completely mystified, being a very ignorant person about finance: it is paragraph 118. I hope that the hon. Member for Ukamba, or better still the hon. Member for Nairobi South, or best still the hon. Member for Mombasa, will explain what they really mean by this example of high finance, because it is absolute Greek to me. I do hope they will enlighten us before the debate is ended.

I am very glad to hear my hon. friend the Chief Secretary call attention to surplus balances and the necessity of having them at the end of the war. As a member of both the post-war employment committees I can say that we are postulating that there will be money available for big reconstruction schemes, and although that money may come from

[Mr. Cooke] England in the end, there may be a time lag in which it would be absolutely necessary to draw on the surplus balances of this country to prevent unemployment and all the other consequences which unemployment brings. I therefore welcome very much his drawing attention to the necessity of retaining these surplus balances.

MR. KASIM: Your Excellency, I would like to associate myself with the remarks made by the hon. member Dr. Wilson in connexion with the Meat Control. In this country there are 4,000,000 head of cattle, and still we are short of meat, and I think there is something wrong somewhere. In my view, the price paid to Africans for their stock is very low; they must be paid a good price for their cattle and then I am sure they will sell freely and thus overcome the meat shortage. In regard to the Information Office, Item 24, the purchase of a second cinema unit, in the course of conversation with some of the chiefs in my constituency they informed me that the Africans in the native reserves appreciate this cinema, so that I hope Government will make a point of purchasing a second one next year. Recently there was some criticism in the local Press in connexion with the Indian broadcast programme. I inquired into this matter, and I am informed that in the Indian programmes, the war news, and broadcasting of local events, not only in Kenya but in Tanganyika and Uganda the Indian community take a great interest.

MR. NICOL: Your Excellency, I should like first of all to associate myself with the remarks of the hon. Member for Nairobi South, though I do not intend to repeat any of those comments. Turning to paragraph 118, for the benefit of the hon. Member for the Coast, what we are doing actually in effect is paying off by instalments on permanent assets, and I do not think it can be fairly argued that the amount is therefore recurrent expenditure. It is more an investment. I also want to associate myself with the remarks of the hon. member when he dealt with paragraphs 121 and 122. I think it is only right that those of us who are unofficial members of the Standing Finance Committee should record our

appreciation too of the very very valuable help that Mr. Troughton gave us during our deliberations. His intimate knowledge of detail and his exceptional efficiency did save us an enormous amount of time, and only those hon. members who are members of the Standing Finance Committee realize the burden of work which falls on the shoulders of the unfortunate secretary. The fact that the secretary in collaboration with the Government Printer was able to get the draft report printed and out in 48 hours speaks very well for their work, and I do congratulate them on this very fine effort.

MR. LACEY: Your Excellency, I rise to deal very briefly with a few points concerning education which have been raised during this debate. The hon. Member for Nairobi North referred to paragraph 53 of the Standing Finance Committee's report, and asked for an assurance that educational facilities in Kenya schools would be made available for children of European residents in other East African territories and the Sudan. I can give that assurance. In January of next year 70 extra territorial children will be enrolled in Government schools, and nearly three times that number enrolled in private schools. I have asked Directors of Education to let me know early in 1943 the number of children from their territories seeking admission into Kenya schools in 1944, so that if possible adequate accommodation can be provided. In the meantime, temporary accommodation is being erected as fast as possible, and I would acknowledge my great indebtedness to the hon. Director of Public Works and his staff for so speedily dealing with this emergency accommodation. The hon. Member for Aberdare referred to the possibility of using after the war the buildings now occupied by the O.C.T.U. for the housing of men and women requiring agricultural training. Recommendations to this effect have already been made to Your Excellency by a sub-committee of the Agricultural Production and Settlement Board and the committee of the Egerton School of Agriculture. The hon. Member for Uasin Gishu expressed the fear that Kenya High School in taking over temporary

[Mr. Lacey]
accommodation at present occupied by
the Nairobi Primary School—

HIS EXCELLENCY: Is the hon. member
reading his speech?

MR. LACEY: No, sir.

HIS EXCELLENCY: I would ask him not
to.

MR. LACEY (continuing): He was
afraid that this might militate against
the provision in due course of new per-
manent buildings for the Kenya High
School. I can assure him that I am as
anxious as he is that permanent accom-
modation is provided as soon as possible,
but in the meantime I am told by the
hon. Director of Public Works that it is
quite impossible at present to get the
materials necessary for permanent build-
ings on the scale required for the High
School, but I have no fear that the tem-
porary accommodation will delay the
erection of permanent buildings for this
school. The hon. member Mr. Paroo
drew attention to the fact that there had
been a great increase in the Estimates for
European education. At the opening of
the session Your Excellency explained
why that had taken place, and I have
already stated that there has been an in-
crease since the beginning of 1941 of
approximately 35 per cent in the enrol-
ment of European children with a further
considerable increase expected in 1943.
The hon. member did not refer to the
fact that there will be a considerable
rise in the revenue to be derived from
the fees in the European schools, and it
appears to me that comparisons are of
no value unless all the relevant circum-
stances are taken into consideration.

MR. FAZAN: Your Excellency, the hon.
member Mr. Montgomery used the
simile of the use of the pawn, and as a
chess player myself I propose to take the
point *en passant* by saying that I have
listened to debates in this Council for
now nine years and I have heard ex-
pressed opinions on native subjects from
all parts of Council, on such matters as
land tenure, police, tribunals, native
councils, housing of natives, rationing of
natives, the price paid to natives for
their produce. On every one of these
questions most useful suggestions have

come from the other side, sometimes
urging us to a pace we are hardly able to
hold ourselves. I should like, as this is
my last chance, to say that I feel this
Council makes no distinction between
that and this side when it comes to de-
bating native interests, and that I think
this Council sets a tone which is followed
by a very large section of the public in
the country. The only other matter to
which I wish to allude is that of the
police. Experimentally, the police are
entering upon certain duties which have
hitherto been performed by the tribal
police. All of us having charge of native
areas know that this is a necessary de-
velopment of the future. As the technical
work becomes greater in the reserves, the
hardened criminal with a record behind
him has to be traced, and the work gets
beyond the capacity of the tribal police
and more and more the regular police
have to come into the picture. Whether
the tribal police will become reduced in
actual numbers or merely comparatively,
the future will show. I would only like to
say that, having worked with tribal
police (who in the old days used to be
called tribal retainers) for the past 13
years I would pay personal tribute to a
very loyal body of men. We cannot quote
conversations which take place outside
this Council, but if reference were made
to the Commissioner of Police he will be
the first one to endorse the value of the
tribal police as a force, and if he has a
chance of recruiting some into his own
ranks I feel sure that he will not hesi-
tate to do so.

MR. STRONACH: Your Excellency, a
few points have been raised by the noble
lord, the hon. Member for Rift Valley,
which calls for a reply on my part. The
question of the specification of the road
between Naivasha and Gilgil was raised
by him. I can inform him that this spec-
ification was based on specifications adapt-
ed in the Union of South Africa of the
Burma Road, and these adaptations have
proved successful in this country. He
also referred to the necessity for widen-
ing the bituminous surface. On this par-
ticular section it is to be ten feet wide,
and on the Thika road it is 18 feet.
The traffic over the Thika road is about
five times as great as that over the
Naivasha-Gilgil road, but when the

[Mr. Stronach]
traffic justifies the widening of the
bituminous surface it can be done with-
out any great trouble or expense. One
other point was raised by the same hon.
member in connexion with the estimate
for the Naivasha water supply. He
pointed out that the Public Works De-
partment estimates were invariably
higher than those for work on a farm.
Well, the estimate for the Naivasha water
supply is actually based on the prevail-
ing rates for boring, and may possibly
cost more or may possibly cost less.
With regard to the other point in con-
nexion with water supplies, it is quite
likely that a farmer can do the work
cheaper in connexion with the ancillar-
ies that go with a water supply but, in
the case of a town like Naivasha, we
cannot definitely take any risk and our
estimate has got to be higher than that
of a farmer.

MR. TESTER: Your Excellency, several
hon. members on the other side of
Council have raised questions of Con-
trol accounts. I have very little to add
to the detailed account which I gave of
these Controls in my budget speech, but
I should like to mention that these
accounts are very strictly kept; they are
audited, and the staffing matters receive
the scrutiny of myself, and also in con-
nexion with the Meat Control—or Live
Stock Control as it is now—by the hon.
Member for Nairobi North. The accounts
for the Live Stock Control, as hon. mem-
bers know, are published in the Gazette,
and I think the point was made that no
accounts of the Maize Control have
appeared. We have not quite completed
our six monthly period, and the accounts
will be published as soon as they are
audited. The hon. Chief Secretary as
chairman of the Standing Finance Com-
mittee has appointed a meeting of that
committee for the 22nd January at which
certain questions connected with these
controls can be discussed by the com-
mittee, and by that time I shall have
ready, I think almost without fail, the
accounts up to the 31st December to
show to the Standing Finance Committee.

MR. DAUBNEY: Your Excellency, the
hon. member Dr. Wilson has returned to
the charge again on the subject of the
Live Stock Control, and although I can

congratulate him on having been able to
discover the balance sheet of the Con-
trol in the back copies of his Official
Gazette. I am afraid that I cannot con-
gratulate him on the thoroughness of his
examination of these accounts. As I
understood him, he made two points.
One was the progressive increase in the
amount of profits that was made during
the succeeding six monthly periods. Well,
of course there has been a progressive
increase, and at the same time there has
been an increase in the amount of the
business done for those six monthly
periods. Taking the figures in shillings,
the sales have risen just as progressively
as the profits, or reserve, from one
million shillings in the first period, to
Sh. 2,650,000 in the second, Sh. 2,191,000
in the third, to Sh. 4,178,000 in the
fourth period. That accounts for the rise
in the profits. The other point he made
was that £22,000 had been expended over
a period of two years on the salaries of
Europeans. That does not mean a thing
in the world. How much you spend on
salaries depends on the size and nature
of the business you are operating; what
may be extravagant figures for a village
store may be reasonable ones for Self-
ridge's. We employ from 35 to 45
Europeans, and viewed in that light the
expenditure on salaries is not extrava-
gant. One last point; that is, these cattle,
sheep, and goats, live animals, which
have to be moved over vast distances in
this country, leading to losses from dis-
ease, accident, and other causes are
handled, according to these accounts at
an expenditure, exclusive of railage, of
7.2 per cent of the total sales of the Con-
trol, and I cannot believe that that is
excessive. If the hon. member should
wish for something with which to com-
pare this expenditure, I would point out
that the Control body, which handles
the hides of these cattle, the dried hides,
works, as far as I can see, on a basis of
18.5 per cent, which is considerably more
than ours.

The noble lord, the Member for Rift
Valley, has referred to the ultimate dis-
posal of the funds of the Control. He
has made a suggestion that I regard as
eminently sound, that these funds should
be employed eventually for the benefit
of the stock industry of those reserves
that have contributed cattle towards our

(Mr. Daubney) war effort. I hope it may be possible to dispose of the funds in this way.

COL. KIRKWOOD: Your Excellency, I have a few remarks. I was faced with the observation when I came in this morning that it was apparent that I had joined the Government, but it is not true. Government will not have me. It arose out of the remark of the hon. Chief Secretary that I had given a rather long, formidable list of what had been done in certain districts as a result of the last Soldier Settlement Scheme, and the hon. Chief Secretary put that to the credit of Government or words to that effect. I admit that . . .

HIS EXCELLENCY: I do not want to interfere with what the hon. member has to say, but he spoke on that subject on the amendment, and the motion now is for the adoption of the report of the Standing Finance Committee. I shall be glad therefore if he will confine his remarks to the various items dealt with in that report.

COL. KIRKWOOD: Under paragraph 53, I understand the hon. Director of Education when speaking to confine his remarks on the education question to the matter of accommodation for children other than those in Kenya, to those in East African territories, and I think I am right in saying that he did not refer to children from the Sudan. I understand there are a few children from the Sudan in Kenya seeking educational facilities, and probably more will be coming. I am also informed and believe it is correct information, that the Sudan Government are prepared to pay something towards the expenses. I would advise Government to ascertain whether that is correct or not, and whether it is or not I still maintain that we should give special educational facilities for Sudan children when they come, even if it is part of the Kenya war effort. They cannot be sent to England through the Mediterranean, and the only way is by sea to Kenya, South Africa, etc., or via the Nile to Kenya. I hope Government will consider it and give them every consideration possible. I am very keen on education, not only of our own children but all children, and I hope no obstacle

will be put in the way of those coming from the Sudan. Regarding paragraph 69, police, I am pleased to see Government is to experiment in three reserves by handing over the control of the tribal police to the Commissioner of Police. I think it is long overdue, and I am quite sure that if the Commissioner is given every support by Government and full authority to run that police service in the reserves it will prove effective, and beneficial to the Colony, and no doubt it will be to the credit of the police themselves. I hold the view that as the police are run at the moment in the different reserves it is unsatisfactory. They are really under no strict discipline or control, and a changeover is very advisable, and will have beneficial effects.

In regard to Import Control, paragraph 110, Kenya and Uganda, £12,300 it seems a terrifically high amount, and I cannot see how it can be justified. I cannot imagine how they can spend £12,300 on a centralized Control on imports. For that reason I hope that will be looked into. Regarding the Information Office, paragraph 24, £1,800 is asked for for an extra mobile cinema. Mobile cinemas, I admit, for propaganda are probably the correct thing and one of the best forms of propaganda and for conveying information to the natives. Otherwise I am of the opinion that the Office as a whole has been a terrific failure. The information given for the benefit of the natives is in most cases futile. Not so long ago I remember reading the information slips which I get wherein we were told that King George worked for 24 hours a day, stressing the fact that His Majesty the King is a very hard worker. I submit that that does not appeal to the native mind, and that the Information Office does not understand native mentality. What would occur to the native mind immediately is that this is the big white Muzungu, and he would have a picture in his mind of his own chief who never does a stroke of work, and would look upon His Majesty as a fool for working when his own chief does not work at all. That is not the way to approach the native mind. I would like to see Mr. Champion and those connected with the Information Office and who disseminate information come into my fire of criticism to the ricochets of

(Col. Kirkwood) own district and get in touch with the natives, and by the cinema pictures show them what is happening, pictures of the war showing the effects of the war, but they never come my way. A native does not understand. I do my best day after day to get him to understand what has happened, but I doubt if I ever succeed. It is a terrific undertaking, because after all the native does not know the geography of the world. If you refer to Russia he does not know where it is, he does not know what Hitler has done to the European countries, he does not know that America is in the war or China is fighting on our side, or about Japan, and he is in a hopeless state and does not know the whys and wherefores. Aeroplanes fly over my farm practically every day, and I can explain when these machines are heading straight over the top of Mount Elgon that they are going to join the forces on the Mediterranean. I have succeeded in doing that to them, that they are going to join their ndugus and rafikis and Europeans fighting on our side. But the approach to the native generally is not on the right lines, and they have not yet assimilated the fact that we are really at war and what it means. Consequently, I think most of the money spent by the Information Office is wasted.

I see no reference to Kitale post office in this report. You will remember that in 1938 provision was made that when the revenue exceeded £100,000 surplus this office was one of the 12 items that should be dealt with, Government has refused to do anything since, and it is the most disgraceful post office in the whole of Kenya, yet it has very much more traffic than the one at Eldoret. You have to stand outside, natives, Asians and Europeans, and it is a disgrace that the post office and telephone officials should be housed in such a miserable pigsty which is a disgrace to the Colony.

I do not wish to hold up the business of this Council any more to-day. We have had a long session, and before I sit down I would just like to take the opportunity of wishing everybody. Your Excellency, and Lady Moore, and all the official and unofficial members a happier and brighter Christmas than we have had in the past three years.

MR. RENNIE: Your Excellency, I gather from the speeches that have been made in this debate that the report of the Standing Finance Committee meets with general acceptance. There are, however, a few points to which reference has been made and I think I should deal with them in reply. The hon. Member for Nairobi North asked for an elucidation of the remarks in paragraph 118 regarding the forest replanting fund and was anxious to be assured that there was no intention of allocating this fund to any other service. I think the answer to that is perfectly simple and straight forward; the committee never suggested any such thing. The small offsetting revenue item of £3,250 was referred to because certain work is proposed for 1943 which is a fair charge to the forest replanting fund, but the balance of the fund is being set aside for the purposes for which it was originally intended: the actual building up of our forests after the war. The hon. Member for Aberdare mentioned that he saw no vote for artesian wells in the Estimates. The position there, I am told by the hon. Director of Public Works, is that he is attempting to obtain the services of a geologist who will carry out a geological survey of the area in which the department considers artesian water is available, and if the services of that geologist are actually obtained the survey will be carried out, and that is the first step in regard to the exploration of this artesian well possibility.

The hon. Member for Uasin Gishu asked for an assurance that the Kenya Girls High School would be proceeded with at the first opportunity. The position as regards educational buildings has been explained in the course of this debate by the hon. Director of Education. He has a very large programme indeed of buildings that are required, and in addition to his programme we have also to consider the programme of my hon. friend the Director of Medical Services whose list I think is even more formidable; it will be a question of going into these various lists and seeing what funds are available either from our own resources or, in due course if nothing can be done on a large scale during the war, from loan funds if loans can be obtained after the war. The hon. member Mr.

[Mr. Rennie]

Paroo referred to the paragraph which deals with the question of an Indian principal to the Girls High School, Nairobi. So far as the Standing Finance Committee is concerned, it felt that in this matter it must take the advice of the Director of Education, but since the hon. member Mr. Paroo has referred to the resolution that was recently passed on the subject of Indian principals in Indian Schools, the matter will be gone into when that resolution comes before the Government. I do not wish to give any impression at this stage, however, that the proposal that has been made for a European principal will be revoked.

The hon. Member for Nairobi South stated in his remarks that it was essential that contributions to the Widows and Orphans Pension scheme must be safeguarded and the contributors must have the necessary assurance. The point there is that the scheme has a statutory backing, and the relevant Ordinance gives the necessary assurance in that respect. As regards his passage point, he has suggested that money should be provided in the Estimates and revoked when required. The simple fact is that according to our Government accounting practice (of which, I am well aware, he has not too high an opinion), it is usual to provide in the Estimates of any year only for that expenditure which we can reasonably hope to incur in the year; if we had our estimates swollen by items of expenditure which may not actually have to be incurred during the year we should probably find that we had an unbalanced budget, and perhaps some more urgent items of expenditure that are really required during that year might have to be cut out.

The noble lord the hon. Member for Rift Valley asked as regards recurrent expenditure for the dispensaries in the Molo and Londiani area. The practice at the present time in respect of dispensaries in settled areas is that Government undertakes the whole of the recurrent expenditure and that the area in question is asked to contribute half of the capital expenditure. The noble lord suggested that profits from Meat Control should go into a fund for the benefit of the pastoral areas. The position there is, as was

explained earlier in reply to a question, that the question of the use of the funds at the disposal of this particular Control will be gone into at the end of the war, if at the end of the war there is an actual profit in the fund, by those most closely concerned, namely by you, sir, in Executive Council, and by the military authorities, and an attempt will be made then to use the profits for the purposes that can most properly be determined.

As regards the remarks of the hon. Member for the Coast, I am not quite sure whether I do not prefer the direct fire of criticism to the ricochets of compliment (laughter), but I am very glad indeed to see encouraging signs this morning that he is beginning to see things in their proper perspective (laughter), and, encouraged by the improvement he has shown, I trust that in due course his vision will be completely clear and normal (laughter). Any contribution that I can make to that most admirable end I shall be only too pleased to make. He has made a suggestion as regards passage money, that any passage money that would otherwise not be paid should be returned to the officer concerned. So far as Government servants are concerned, they regard many additional items of work and worry at the present time as part of their war effort. It is the policy of Government not to pay officers for additional work that is thrust upon them on account of the war, and I think that it would be entirely out of accord with that policy if Government were to suggest that Government officers should be paid money in respect of expenditure which the officers concerned did not incur. After all, passage money is given for a particular purpose. If the passage money is not spent for that purpose I think it would hardly be right for the officer concerned to regard that money as properly accruing to himself.

MR. COOKE: On a point of explanation, the military also get paid for a particular purpose, but they get a bonus at the end of that, so if you take the war as an analogy I think Government could easily change its policy.

MR. RENNIE: As one who obtained a bonus, as the hon. member calls it, after the last war—and I hope I am referring

[Mr. Rennie]

to the same bonus as he is—I think one regards that as one might almost say congratulation on the fact that one has survived and has given service for a particular purpose and under circumstances which do not obtain so far as the ordinary civil servant is concerned in carrying out his ordinary duties. The hon. member made a remark as regards the £500,000 which has been loaned to His Majesty's Government which I feel I cannot allow to pass without some comment. He doubted whether the money would ever come back again. Well, that money has been loaned to the Imperial Government interest free, and I think that to suggest that His Majesty's Government will in the end default is hardly a fair suggestion to make.

MR. COOKE: On a point of explanation, the suggestion was that this Government was so generous that they would give the money to His Majesty's Government.

MR. RENNIE: That, of course is an entirely different matter, and I cannot speak at the present time about the mentality of the Government of Kenya in the post-war days.

As regards the remark of the hon. Member for Trans Nzola, he asked whether Sudan children seeking educational facilities in Kenya would receive the same consideration as children from other territories. So far as Sudan children are concerned, the Government of Kenya has been most sympathetic right from the beginning and has granted a great many facilities to Sudan wives and children, and I think I am right in saying that the hon. Director of Education considers Sudan children in exactly the same way as children from neighbouring territories in East Africa. The only other two points to which I need refer in his remarks are, first as regards the Information Office. I am not quite certain after listening to his comments on the work of that office if he has made any attempt to find out what work the office is actually doing. I would suggest that it would be of great use to him if he went to the Information Office and actually found out from the Information Officer what work the office is doing. If he has

not already seen the films that are being shown by Mr. Champion I think he should take a very early opportunity of accepting the numerous invitations that Mr. Champion has tendered to hon. members of this Council to see displays of the films.

MR. COL. KIRKWOOD: On a point of explanation, Your Excellency, what I tried to make clear was that these films are not usually up in my district and have not been shown to the natives, and if it is propaganda for the natives that is wanted, and I presume it is, then there is something lacking in the work of the Information Office.

MR. RENNIE: I am not in a position to say exactly what districts Mr. Champion has toured, but I am well aware he has made most extensive tours in most districts, and whether he has actually shown in Kitale district or not I cannot be certain. If he has not I will pass on the suggestion that the hon. member has made. The last point on which I need dwell is Kitale Post Office. This particular proposal did not come up before the Standing Finance Committee in its deliberations. I am well aware of the condition of that post office. It was pointed out to me somewhat forcibly when I was up there last year, I will go into the matter and see what the position in respect of that office is at present, and since the Standing Finance Committee will be dealing with constructional proposals of one sort or another during the early part of 1943 I will make a point of having this particular question brought up before it at the meeting in the early part of 1943. I think that concludes my remarks.

The question was put and carried.

SCHEDULE OF ADDITIONAL PROVISION No. 3 OF 1942

MR. RENNIE: Your Excellency, I beg to move that the Standing Finance Committee report on Schedule of Additional Provision No. 3 of 1942 be adopted.

This schedule has been examined by the Standing Finance Committee. The note and list on the front page of the schedule explain fully the expenditure involved. The major part of it is Kenya expenditure, of which some £6,634 are offset by savings and, as explained in the

[Mr. Rennie] note, it is estimated that some £64,000 will be covered by consequential increase of revenue, leaving an amount of some £283,000 which is not covered by savings already. The list on the front page shows the make-up of that £283,000 and I need not take up the time of Council further by going into detail.

Mr. TESTER seconded.

The question was put and carried.

ENTERTAINMENTS TAX ORDINANCE, 1931

Mr. TESTER: Your Excellency, I beg to move that the Entertainments Tax Ordinance, 1931, remain in force until the 31st December, 1943. Hon. members will know that this tax is renewable annually and is one of the taxes that have to be voted. The present rates of tax are for tickets of 75 cents and under 1/-: 15 cents. Where the ticket exceeds 1/- and up to 2/-, the tax is 25 cents. From 2/- to 4/- the tax is 50 cents and from 4/- to 8/- the tax is 1/-. These rates I think are not unreasonable and I think the Council will not like to forego this source of revenue which in the year ended 30th June, 1942, brought in £13,183.

Mr. HARRAGIN seconded.

The question was put and carried.

LOAN EXPENDITURE

Mr. TESTER: Your Excellency, I beg to move: "Be it resolved that this Council hereby approves the expenditure during 1943 of a sum of £10,321 upon the purposes specified in the schedule hereto as a charge against Loan Accounts: Schedule—£3,400,000 (1930) Loan, Colonial Development, Public buildings, Medical Group Hospital, Nairobi, £250; K.U.R.&H., Railway development, rolling stock, £7,400, £305,600 (1933) Loan, Loans to Municipal Authorities, Mombasa Municipality, Town planning, £2,671; total, £10,321." These moneys are available for expenditure from loan funds. The sum of £250 is for miscellaneous items for the medical group hospital, Nairobi and the sum of £7,400 is for rolling stock. Orders have been placed for stock and they are expected to be paid for in 1943. The sum of £2,671 is in connexion with the

Mombasa town planning scheme for a further instalment on it, and hon. members will remember that they have approved this scheme *in toto*.

Mr. HARRAGIN seconded.

The question was put and carried.

NATIVE AUTHORITY (AMENDMENT) BILL

SELECT COMMITTEE REPORT

Mr. HOSKING: Your Excellency, I beg to move that the select committee report on the Native Authority (Amendment) Bill be adopted.

As foreshadowed in the debate on the second reading of the Bill, the select committee after due consideration agreed that it would be unwise to allow the Governor in Council the power of varying the estimates of local native councils. They recommend instead that the powers of the Council should be to approve or disallow in whole or in part. The second recommendation is to make a specific recommendation that the provision of supplementary estimates should be duly passed by resolution of local native councils.

Mr. BROWN seconded.

The question was put and carried.

NORTHERN FRONTIER PROVINCE POLL TAX (AMENDMENT) BILL

SECOND READING

Mr. BROWN: Your Excellency, I beg to move that the Northern Frontier Province Poll Tax (Amendment) Bill be read a second time.

This bill restores a legal detail which originally existed in the principal ordinance by which the operation of the time bar which section 216 of the Criminal Procedure Code provides in petty cases was excluded in tax cases in the Northern Frontier Province. Section 216 of the Code says:—"Except where a longer time is specially allowed by law, no offence, the maximum punishment for which does not exceed imprisonment for six months and/or a fine of £50, shall be triable by a subordinate court, unless the charge or complaint relating to it is laid within twelve months from the time when the matter of such charge or complaint arose." When the Northern Frontier

[Mr. Brown] Province Poll Tax Ordinance was originally enacted in 1930 special provision was made excluding the operation of this time bar, because under the relevant section proceedings in tax cases could be brought at any time, but when the ordinance was amended in 1934 these words were omitted, with the result that as the law stands at the moment a tax case must be brought within twelve months of the date when the tax first become payable. The section introduced by this bill is identical with the corresponding section in the Native Poll Tax Ordinance passed in this Council earlier in this year, and restores the position which originally existed before 1934.

Mr. HARRAGIN seconded.

Mr. COOKE: Your Excellency, I have only one small point. I want the hon. member to explain why it is necessary to collect these arrears of taxation. These people have been driven from pillar to post during the war, and it is not necessary to collect from these nomadic tribes.

Mr. BROWN: It is a principle in taxation that the time bar which applies ordinarily to native cases should not apply in tax cases. We have omitted it in the Poll Tax Ordinance, the time bar has never applied and it was never intended it should apply in the Northern Frontier Province.

Mr. COOKE: My point is: why is it necessary to collect these arrears? Are there very many?

Mr. BROWN: I am unable to say whether there are many arrears.

The question was put and carried.

SUSPENSION OF STANDING ORDERS

Mr. HARRAGIN moved that Standing Rules and Orders be suspended to enable the 1943 Appropriation Bill to be taken through all its stages.

Mr. BROWN seconded.

The question was put and carried.

1943 APPROPRIATION BILL

FIRST READING

On motion of Mr. Harragin, the 1943 Appropriation Bill was read a first time.

SECOND READING

Mr. TESTER: Your Excellency, I beg to move that the bill be read a second time. This gives legal authority to the Accountant General to pay the moneys stated in the schedule to the bill as a charge against the public revenues for 1943.

Mr. HARRAGIN seconded.

Mr. COOKE: Your Excellency, I rise to oppose the second reading of this bill in order to draw attention to the fact that the hon. Chief Secretary indulged in witticisms instead of answering my question concerning the police terms of service. My hon. friend has a habit of doing this sort of thing when asked awkward questions, and I think I might bring to the attention of Council that Sir Stafford Cripps in the House of Commons a few weeks ago took something like three hours to answer a question which had been raised in debate. It is not courteous when a matter like this is raised and is both discourteous to myself and, what is even more important, discourteous to the police force of this country. My hon. friend reminds me of the poet when he gets on his feet sometimes: "While expletives their feeble aid doth join, and the dull words oft creep in one dull line." I oppose the second reading to call attention to the discourtesy of my hon. friend.

The question was put and carried.

BILLS

IN COMMITTEE

Mr. Harragin moved that Council resolves itself into committee of the whole Council to consider clause by clause the Northern Frontier Province Poll Tax (Amendment) Bill, the Revenue Transfer to Local Native Councils Bill, and the 1943 Appropriation Bill.

Mr. BROWN seconded.

The question was put and carried.

The Bills were considered clause by clause.

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

Council resumed, and His Excellency reported accordingly.

THIRD READINGS

On the motion of Mr. Harragin, seconded by Mr. Brown, the three Bills and the Native Authority (Amendment) Bill were read a third time and passed.

COMMUNICATION FROM THE CHAIR

EAST AFRICAN CIVIL DEFENCE AND SUPPLY COUNCIL

HIS EXCELLENCY: Honourable members will recall that in my Communication from the Chair when opening the present Session I informed them that I had called a meeting of the Governors' Conference to see what steps could be taken to make the East African Civil Defence and Supply Council a more effective instrument in the fields of production and supply. As a result of that Conference agreed proposals were made to the Secretary of State which have now received his approval. A communiqué will be issued for simultaneous publication in the Press to-morrow announcing the constitution and personnel of the new Council, which will in future be called the East African Production and Supply Council.

SEASONAL GREETINGS

HIS EXCELLENCY: In adjourning Council I should like to wish all hon. members as happy a Christmas as we may have under the present circumstances and, as I hope and believe, a very much better new year. (Hear, hear).

ADJOURNMENT

Council adjourned *sine die*.

Written Answers to Questions

No. 38—ENEMY FARMS

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 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—LEGISLATIVE COUNCIL MEMBERS AND WAR DUTIES

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 June 23rd, 1940, and later, Timber Controller for East Africa on February 25th, 1941; also, since April 4th, 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 July 28th, 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 Manpower with effect from the 1st of April, 1942, the date of his appointment.

Mr. Montgomery was appointed Deputy Director of Manpower on February 3rd, 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 allowance 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 Manpower.

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. 45—MEAT CONTROL

MR. COOKE:

With reference to Government's answer to Question No. 29/1942 on the subject of Meat Control, will Government state:

(a) Whether the profits amounting to Sh. 646,578 include the sums spent on building abattoirs and other incidental expenses of the Control?

(b) If not, what do those expenses amount to?

(c) If so, what was the net amount to the credit of the Control on the 30th June?

(d) Will Government give a definite assurance that when the accounts of the Control are finally wound up any balance remaining will be devoted to the betterment of the tribes from whom the stock was acquired?

(e) And in the meantime will steps be taken to see that the Control is managed with suitable economy?

Reply:

(a) The sum of Sh. 646,578 was arrived at after the amounts spent on building abattoirs and other incidental expenses of the Control had been charged to the accounts.

(b) An audited Statement of Accounts for each period of six months has been published in the Official Gazette, and in these Statements the hon. member will find the expenditure allocated under 17 separate heads. The sum total of expenditure under these heads, which do not include Railage on Live Stock, during the period of two years ending 30th June, 1942, was Sh. 876,917/47.

(c) This part of the question does not arise in view of the reply to part (b).

(d) The Government is not in a position to give the definite assurance mentioned since the disposal of any surplus funds remaining when the accounts of the Control are finally wound up will, as the hon. member was informed in reply to his Question No. 29, be a matter for the decision of the Governor in Council in consultation with the military authorities at the appropriate time. The hon. member may rest assured that, in the event of any such funds becoming available, consideration will be given to the question of devoting at least a part of these funds to the betterment of the natives residing in the areas from which the stock has been drawn.

(e) The Government is satisfied that the Control has been managed efficiently

and economically and is confident that the Control will continue to be so managed. The expenditure of Sh. 876,917/47 mentioned in part (b) of the question represents less than 7.2 per cent and the Reserve Fund represents approximately 5.3 per cent of the total sales turnover of the Control and the amounts should be viewed in that light.

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 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. 51—CATTLE PURCHASES

MR. COOKE:

1. How many steers have been purchased from European owners since the beginning of the present Meat Control?

2. What was the average dead weight of the steers?

3. Was this meat sold to the butchers at 2 cents a lb. less than the buying price?

4. If so, how is the deficit accounted for?

Reply:

(a) 22,380 head of cattle were purchased by the Control from European suppliers during the two-year period ended the 30th of June, 1942 (which is the latest date up to which the six-monthly accounts are available).

(b) The average dead weight of the animals was 470 lb.

(c) During the months of May and June, 1942, European-produced meat was sold at 2 cents per lb. less than the purchase price.

(d) The gross loss on purchases during these two months was more than offset by gross accumulated profits previously earned on transactions relating to European-produced meat.

No. 55—CONSCRIPT LABOUR

LADY SIDNEY FARRAR (Nyanza):

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. 59—SCHOOL INSPECTIONS

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. 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. It 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 PURCHASES

MR. PAROO:

Is Government aware that several Indian exporters in Kenya have lost to an extent of about £50000 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 the 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.

No. 65—PIG CONTROL

MRS. WATKINS:

Will Government please state, with reference to Pig Control, the system employed for inspection of (a) premises, (b) humane methods of control, (c) weighing, (d) grading?

Is Government prepared to insist on humane methods of killing in the same way as is now in use in the Nairobi Abattoir for cattle?

Reply:

From time to time bacon factories are inspected by a Veterinary Officer, who reports on (a) the premises, (b) the general conditions under which pigs are handled, (c) weighing, and (d) grading.

The question of the use of the humane-killing on pigs is under consideration by the Director of Veterinary Services.

No. 96—PERSONAL TAX

MR. VINCENT:

1. Who gives authority to remit or waive poll tax or personal tax for (a) Europeans, (b) Asians?

2. What inquiries are instituted as to the substance of the application for exemption?

3. Are Asian exemptions granted on the representations of the leading member of each Indian community?

4. How many exemptions were granted for each of the years 1936, 1937, 1938, 1939, 1940, and 1941 for (a) Europeans, (b) Asians?

5. How much poll or personal tax was not recovered for each of these years: (a) European, (b) Asian?

6. What were the reasons for non-recovery?

7. How many actions for recovery were filed during those years?

8. How many decrees were obtained, what was the total sum in the decrees, and how much was recovered?

Reply:

1. Section 17 of the Personal Tax Ordinance empowers the Governor to remit personal tax and/or penalty on the ground of poverty or for any other good cause. The powers of the Governor under this section have been delegated to Collectors as regards the remission of tax on the ground of poverty and to the Commissioner of Inland Revenue as regards remission for any other good cause.

2. An applicant for exemption is interrogated by the Collector, who may also make local inquiries and may refer to the records in the Central Office before making a decision.

3. The answer to this part of the question is in the negative. Any representations which may be made by the leading members of a community in support of an application for exemption or remission receive careful consideration.

4. The following exemptions were granted during the years in question:—

Europeans

1936, 212; 1937, 121; 1938, 87; 1939, 102; 1940, 80; 1941, 46; 1942, 73.

Asians

1936, 2,644; 1937, 1,788; 1938, 1,315; 1939, 1,323; 1940, 846; 1941, 729; 1942, 528.

5. It is regretted that this information is not available.

6. The main reason for the non-collection of personal tax is failure to trace the individual. If the individual is traced, he must either pay in full or his tax must be remitted under the proper procedure.

7. The following actions for recovery were filed during the period 1936-1942—
1936, 2,658; 1937, 1,132; 1938, 1,027;
1939, 3,060; 1940, 2,870; 1941, 2,706;
1942, 2,261.

8. Information is not available as regards courts in out-stations. The records in Nairobi go back to 1939 only. Since that year the number of decrees obtained in Nairobi has been as follows:—

1939, 562; 1940, 790; 1941, 577;
1942, 596.

The total amount in respect of which decrees were granted is not available, but the amounts actually recovered in Nairobi are as follows:—

1939, £1,375; 1940, £2,708; 1941,
£2,296; 1942, £3,115.

No. 97—TRADERS' STOCKS

MR. VINCENT:

1. What steps are taken to ascertain whether traders' stocks exceed £300?

2. Since 1936 how many traders were discovered infringing section 6 of the Traders Licensing Ordinance, 1936?

3. How many prosecutions were instituted?

Reply:

As regards the first part of the question, it is the general practice in Nairobi for the licensing authority to endeavour to visit every shop at least once during the year and if necessary to examine traders' books. In other centres inspections are made as frequently as practicable.

As regards the second and third parts of the question, it is regretted that the information desired by the hon. member is not available, as separate statistics of offences under the section referred to are not maintained.

No. 99—FACT FINDING COMMITTEE REPORT

MR. COULDREY:

In view of paragraph 46 of the report of the Fact Finding Committee on the cost of living and the statement of opinion contained therein that

the lower paid African servants of both Government and the Railway must be in a state of malnutrition, does Government (a) accept that statement of opinion as correct, and (b) if the answer is in the affirmative does it intend to take any disciplinary action against the officer or officers responsible for allowing this state of affairs to develop and exist?

2. Does Government intend to implement the recommendation contained in the said paragraph to the effect that wages should be paid fortnightly to African employees?

Reply:

1. (a) The Government is not prepared to accept this statement of opinion without reservation. In this connexion the hon. member's attention is invited to the reply to the hon. Member for the Coast's question No. 91 of 1942.

(b) No. Sir.

2. The answer is in the negative. There has been no demand from the African employees of Government for this arrangement and, in fact, in 1939 a census taken among about 1,000 employees of one Government department indicated that nearly 90 per cent declared themselves most strongly in favour of the continuation of the monthly system of payment. Moreover, it would not be practicable to adopt this arrangement in present circumstances in view of the additional staff that would be required in certain departments.

No. 101—MAIZE PRICES

COL. KIRKWOOD:

Will Government please state the guaranteed price proposed for maize planted in 1943?

Will Government please state whether it is intended to increase the guaranteed price of maize planted in 1942 but marketed in 1943?

Reply:

The hon. member is referred to Government Notice No. 76 dated the 25th of January, 1943, and published in the Official Gazette of the 26th of January, 1943.

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SECOND SERIES

VOLUME XV

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Com.=In Committee; SC.=Referred to Select Committee; SCR.=Select Committee Report; Rc.Cl.=Re-committed to Council.

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