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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SECOND SERIES

VOLUME XX

1944-45

Third Session: 11th October, 1944, to 17th January, 1945

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List of Members of the Legislative Council

President:

HIS EXCELLENCY THE GOVERNOR, SIR P. E. MITCHELL, K.C.M.G.,
M.C. (1)

Ex Officio Members:

CHIEF SECRETARY (HON. G. M. RENNIE, C.M.G., M.C.) (2)
ATTORNEY GENERAL (HON. S. W. P. FOSTER SUTTON, O.B.E., K.C.)
FINANCIAL SECRETARY (HON. L. TESTER, C.M.G., M.C.)
CHIEF NATIVE COMMISSIONER (HON. W. S. MARCHANT, C.M.G.)
DIRECTOR OF MEDICAL SERVICES, ACTING (DR. THE HON. F. R.
LOCKHART). (3)
DIRECTOR OF MEDICAL SERVICES (HON. D. L. BLUNT, C.M.G.)
DIRECTOR OF EDUCATION (HON. R. S. FOSTER, 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. STRONACH, C.M.G.)
COMMISSIONER OF CUSTOMS (HON. A. W. NORTHROP)
COMMISSIONER OF LANDS AND SETTLEMENT (HON. C. E. MORTIMER,
C.B.E.)

Nominated Official Members:

HON. R. DAUBNEY, C.M.G., O.B.E. (Director of Veterinary Services)
HON. T. A. BROWN (Solicitor General). (4)
HON. G. P. WILLOUGHBY (Postmaster General, Acting). (5)
HON. S. O. V. HODGE, C.M.G. (Provincial Commissioner, Rift Valley).
HON. K. L. HUNTER, O.B.E. (Provincial Commissioner, Nyanza).
HON. K. G. LINDSAY, O.B.E. (Provincial Commissioner, Coast). (6)
HON. C. TOMKINSON (Provincial Commissioner, Central).
HON. J. F. G. TROUGHTON, M.B.E. (Economic and Development
Secretary). (7)
HON. MBARAK ALI HINAWY (Specially appointed to represent the
Interests of the Arab Community). (8)

European Elected Members:

HON. W. A. C. BOUWER, Uasin Gishu.
MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., Nairobi North.
HON. S. V. COOKE, Coast.
HON. F. J. COULDREY, D.S.C., Nyahza.
MAJOR THE HON. F. H. DE V. JOYCE, M.C., Ukamba. (9)
MAJOR THE HON. A. G. KEYSER, Trans Nzoia. (10)
HON. W. G. D. H. NICOL, Mombasa.
HON. W. F. O. TRENCH, Rift Valley. (11)
HON. A. VINCENT, Nairobi South.
HON. MRS. O. F. WATKINS, Kiambu.
HON. E. H. WRIGHT, Aberdare.

Indian Elected Members:

HON. SHAMSUD-DEEN (Central).
HON. S. T. THAKORE (Central). (12)
HON. K. R. PAROO (Eastern).
HON. A. B. PATEL (Eastern).
HON. A. PRITAM (Western). (13)

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.

Arab Elected Member.

Hon. SHERIFF ABDELLA SALIM.

Nominated Unofficial Members:

Representing the Interests of the African Community:

REV. THE HON. L. J. BICKLER.

HON. ELIUD MATHU. (14)

Acting Clerk to Council:

Mr. K. W. Simmonds.

Reporter:

Mr. A. H. Edwards.

- (1) *Vice* Sir Henry Moore, G.C.M.G., appointed Governor of Ceylon.
- (2) Acting Governor from 25th October to 11th December, 1944: Mr. E. R. E. Surridge, Acting Chief Secretary from 25th October to 11th December, 1944, and from 8th January to 3rd February, 1945, during absence through injury of Mr. Rennie.
- (3) *Vice* Dr. F. J. C. Jahnstone, transferred to Gold Coast, from 3rd January, 1945.
- (4) Mr. T. A. Dennison, Acting Solicitor General during absence on leave of Mr. Brown.
- (5) *Vice* Mr. G. B. Hebdon, C.M.G., retired.
- (6) *Vice* Mr. H. Izard on appointment as Public Relations Officer.
- (7) *Vice* Mr. R. Peñraza, Commissioner of Mines.
- (8) *Vice* Mr. H. M. Gardner, Conservator of Forests.
- (9) *Vice* Col. E. S. Grogan, D.S.O.
- (10) *Vice* Lt.-Col. J. G. Kirkwood, C.M.G., D.S.O.
- (11) *Vice* Lt.-Col. Lord Francis Scott, K.C.M.G., D.S.O.
- (12) *Vice* Mr. S. G. Amin.
- (13) *Vice* Mr. D. B. Kohli.
- (14) *Vice* Mr. H. R. Montgomery, C.M.G., retired.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

1944—

11th October—

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

14th November—

Hon. G. B. Hebdon, C.M.G.

Hon. Mbarak Ali Hinawy.

Hon. Member for Eastern Area (Mr. Paroo).

15th November—

Hon. Mbarak Ali Hinawy.

Hon. Member for Eastern Area (Mr. Paroo).

21st November—

Hon. R. Daubney.

Hon. K. G. Lindsay.

Hon. Mbarak Ali Hinawy.

Hon. Member for Usain Gishu.

Hon. Member for Eastern Area (Mr. Paroo).

22nd November—

Hon. Chief Native Commissioner.

Hon. Member for Usain Gishu.

Hon. Mbarak Ali Hinawy.

Hon. Member for Eastern Area (Mr. Paroo).

23rd November—

Hon. Mbarak Ali Hinawy.

Hon. Member for Usain Gishu.

Hon. Member for Eastern Area (Mr. Paroo).

24th November—

Hon. Director of Agriculture.

Hon. Mbarak Ali Hinawy.

Hon. Member for Usain Gishu.

Hon. Member for Eastern Area (Mr. Paroo).

28th November—

Hon. Mbarak Ali Hinawy.

29th November—

Hon. Mbarak Ali Hinawy.

30th November—

Hon. Mbarak Ali Hinawy.

1st December—

Hon. Director of Agriculture.

Hon. R. Daubney.

Hon. Mbarak Ali Hinawy.

Hon. Member for Eastern Area (Mr. Paroo).

28th December—

H.E. the Governor.

Hon. Director of Medical Services.

Hon. Commissioner of Customs.

Hon. S. O. V. Hodge.

Hon. K. L. Hunter.

Hon. K. G. Lindsay.

Hon. C. Tomkinson.

Hon. J. F. G. Troughton.

Hon. Mbarak Ali Hinawy.

Hon. Member for Usain Gishu.

Hon. Member for the Coast.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS—
(Contd.)

Hon. Member for Nyanza.
Hon. Member for Trans Nzoia.
Hon. Member for Rift Valley.
Hon. Member for Aberdare.
Hon. Member for Central Area (Mr. Shamsud-Deen).
Hon. Member for Eastern Area (Mr. Paroo).
Hon. Arab Elected Member.

1948—

3rd January—

Hon. Member for Aberdare.
Hon. Mbarak Ali Hinawy.

4th January—

Hon. Mbarak Ali Hinawy.
Hon. Member for Aberdare.

5th January—

Hon. S. O. V. Hodge.
Hon. Mbarak Ali Hinawy.
Hon. Member for Aberdare.

8th January—

Hon. Chief Native Commissioner.
Hon. Mbarak Ali Hinawy.
Hon. Member for Eastern Area (Mr. Paroo).

9th January—

Hon. Mbarak Ali Hinawy.

10th January—

Hon. Mbarak Ali Hinawy.
Hon. Member for Eastern Area (Mr. Paroo).

12th January—

Hon. S. O. V. Hodge.
Hon. K. L. Hunter.
Hon. K. G. Lindsay.
Hon. C. Tomkinson.
Hon. Mbarak Ali Hinawy.
Hon. Member for Usain Gishu.
Hon. Member for Nyanza.
Hon. Member for Ukamba.
Hon. Member for Trans Nzoia.
Hon. Member for Rift Valley.
Hon. Member for Aberdare.
Hon. Member for Eastern Area (Mr. Patel).



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

FOURTH SESSION, 1944

Wednesday, 11th October, 1944
Council assembled in the Memorial Hall, Nairobi, at 11 a.m. on Wednesday, 11th October, 1944, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.
The Proclamation summoning the Council was read by the Clerk.

ADMINISTRATION OF OATH

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

Ex officio.—Chief Secretary, Hon. G. M. Rennie, C.M.G., M.C.; Attorney General, Hon. S. W. P. Foster Sutton, K.C.; Financial Secretary, Hon. I. Tester, C.M.G., M.C.; Chief Native Commissioner, Hon. W. S. Marchant, C.M.G.; Director of Medical Services (Acting), Dr. F. J. C. Johnstone; Director of Agriculture, D. L. Blunt, Esq.; Director of Education, R. S. Foster, Esq., O.B.E.; General Manager, K.U.F. & H. R. E. Robins, Esq., C.M.G., O.B.E.; Director of Public Works, I. C. Stronach, Esq., C.M.G.; Commissioner of Customs, A. W. Northrop, Esq.; Commissioner of Lands and Settlement, C. E. Mortimer, Esq., C.B.E.

Nominated Official Members.—R. Daubney, Esq., C.M.G., O.B.E., Director of Veterinary Services; T. A. Dennison, Esq., Acting Solicitor General; G. B. Hedden, Esq., C.M.G., Postmaster General; S. O. V. Hodge, Esq., C.M.G., Provincial Commissioner Rift Valley Province; K. L. Hunter, Esq., O.B.E., Provincial Commissioner Nyanza Province; K. G. Lindsay, Esq., O.B.E., Provincial Commissioner (Acting) Coast Province; C. Tomkinson, Esq., Provincial Commissioner Central Province; J. F. G. Troughton, Esq., M.B.E., Economic and Development Secretary; Sheikh Mbarak Ali Hinawy, Liwali for the Coast, specially appointed to represent Arab Interests.

European Elected Members.—W. A. C. Bowyer, Esq., Usain Gishu; Major F. W. Cavendish-Bentineck, C.M.G., Nairobi North; S. V. Cooke, Esq., Coast; F. J. Couldrey, Esq., D.S.C., Nyanza; Major F. H. de V. Joyce, M.C., Ukamba; Major A. G. Keyser, M.C., Trans Nzoia; W. G. A. H. Nicoll, Esq., Mombasa; W. F. O. Trench, Esq., Rift Valley; A. Vincent, Esq., Nairobi South; Mrs. O. F. Watkins, Kiambu; E. H. Wright, Esq., Aberdare.

Indian Elected Members.—Mr. S. T. Thakore, Central Area; Mr. K. R. Paroo, Mr. A. B. Patel, Eastern Area; Mr. A. Pritam, Western Area.

Arab Elected Member.—Sheriff Abdulla Salim.

Nominated Unofficial Members.—Rev. L. J. Beecher, Mr. Eliud Mathu, representing African Interests.

PRESENTATION OF INSIGNIA

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

The insignia of a Commander of the Most Excellent Order of the British Empire to A. Bragg, Esq.

The insignia of Officers of the Most Excellent Order of the British Empire to G. H. Braithwaite, Esq., Dr. J. R. Gregory, and Capt. E. R. Davis.

The insignia of Members of the Most Excellent Order of the British Empire to Dr. M. A. Rana, Mrs. M. Modera, Mrs. V. G. L. Gladwell, and A. M. Smith, Esq.

The British Empire Medal to D. W. Young, Esq.

COMMUNICATION FROM THE CHAIR

HIS EXCELLENCY: Honourable members of Legislative Council:

It gives me great pleasure formally to open this morning the seventh Legislative Council of Kenya since 1920, when the elective system was introduced.

[H.E. the Governor]

You all know the reasons why it was felt that a General Election in the early years of the war should be avoided and the steps taken to prolong the life of the old Council. You know, too, why it was felt latterly, now that Kenya had ceased to be an operational area, that the Elected Members of this Council should seek a fresh mandate from their constituencies for the part they would be called upon to play in framing policy during the period of post-war reconstruction. It is, therefore, of interest to record that in the European constituencies only four seats were contested, and that so far as Elected Members—European, Indian and Arab—are concerned I have to welcome this morning only four new members out of the seventeen who were sitting members on the dissolution of Council.

While wishing the new members all success, I do not think I should leave unrecorded the absence of three veterans of this Council, who are not with us to-day. I refer to Lord Francis Scott, Colonel Kirkwood and Colonel Grogan. (Applause.) Hansard shows that Lord Francis Scott first took the oath as a member of this Council on the 11th August, 1925, Colonel Kirkwood on 10th May, 1927, and Colonel Grogan on 16th October, 1929*. Each has played a prominent part in the work of this Council, and our debates have been enriched by the contribution which each had to make in his own way. We shall miss their intimate acquaintance with the public affairs of this Colony over a long period of years. Lord Francis Scott has in addition for upwards of ten years been a member of Executive Council, where his advice and ripe experience have always been at the disposal of Government. I am personally most grateful for the assistance he has given me as a member of my Executive Council during my time here.

Hon. members will no doubt have observed that in accordance with the provision made in the Royal Instructions, the Liwali of the Coast, Sheikh Mbarak Ali Hanassy, has been nominated an official member to represent the interests of the Arab community. I should like to emphasize that this appointment has been made solely to meet the wishes of the Arab community, since they had no official name to put forward for

* This year was given in error—should be 1922.

nomination which would, in their opinion, be as acceptable to their own community. It is, in fact, a reversion to the arrangement which obtained prior to 1931, when Sir Ali bin Salim—of the Coast—held his seat as an official member nominated to represent the interests of the Arab community. After his retirement from the Government service, advantage was subsequently taken of the provisions of Article XIX of the Royal Instructions to nominate him as an unofficial member to represent the interests of his community.

In consequence of the appointment of the Liwali of the Coast, a reduction of one has had to be made in the number of heads of departments nominated to the official side of the Councils. In considering this reduction the question arose whether, with the creation of the post of Economic Secretary—a post which I see has recently also been created in Northern Rhodesia and, I believe, in certain other colonies as well—it would not be advantageous for that officer to have a seat in Legislative Council. Personally I consider the post of such present and growing importance that it is essential for the Economic Secretary to be a member so that he can explain and, if necessary, defend the policy of Government to this Council, even though his appointment involves a further reduction in the number of heads of departments. After full consideration I have come to the conclusion that satisfactory arrangements can be made for the Economic Secretary to speak for the Mines and Forest Departments, when matters affecting those departments are under discussion, and I have therefore nominated Mr. J. F. G. Troughton, Economic Secretary, as an official member of this Council. I do not believe that under this arrangement the interests of the Mines and Forest Departments should suffer, nor, I need hardly say, does it connote any diminution of the importance which the Government attaches to the fostering of our mineral and forest resources.

Another nominated member of Council who is not taking his seat to-day is Mr. H. Izard, who has been a member of this Council since 1937, first as Commissioner of Mines, and then as Provincial Commissioner. I have now asked him to try his hand at a new and by no means easy task. In recognition of the

[H.E. the Governor]

fact that the goodwill of the public is an essential element in the success of any undertaking, I consider it to be of increasing importance that Government be kept in the closest possible touch with public opinion. The public must know what Government is doing, or proposing to do, and why; Government must be kept aware of the trends of public opinion and the actual or likely reactions of any section of the public to Government's policy. I have therefore decided to appoint a Public Relations Officer, who will have direct access to the Governor, the Chief Secretary and heads of departments, and who will be closely associated with the Information Office. The Public Relations Officer will travel frequently in both European and native areas of the Colony, attending by invitation meetings of electors' organizations, farmers' associations, Chambers of Commerce and District Councils, as well as meetings of the main Government committees and boards. Having thus informed himself of public opinion and of Government's activities, he will be in a position to advise Government as to the former, and through the Information Office to advise the public as to the latter. To fill this appointment it was necessary to obtain the services of a senior officer of wide experience and ability, who commands public confidence. I can think of no one more likely than Mr. Izard, until recently Provincial Commissioner of the Rift Valley Province, to make a success of this most difficult job. (Applause.) But that success will depend largely upon the co-operation and support he receives both from the general public and Government departments as well. I am sure he will get it. In this connexion I have pleasure also in announcing that Mr. Davies, who has ably held the post of Information Officer for the past three years in an acting capacity, has been confirmed in his appointment.

Lastly, I should like to offer a special welcome to the two unofficial members who have been nominated to represent the interests of the African community, and to congratulate Mr. Eliud Mathu on being the first African to take his seat in this Council. (Applause.) When I announced my intention in June last of making such a nomination, I referred to the good work done by those who have represented African interests in the past,

and I should like to take this opportunity of paying special tribute and saying goodbye to Mr. H. R. Montgomery, who first as a Provincial Commissioner, then as Chief Native Commissioner and latterly as a nominated unofficial member, has given such long service to this Council and the African people of this Colony. (Applause.) The task of the new African member will be no easy one, but I am sure that he can rely on the assistance not only of his colleague Mr. Beecher, but also of all members of this house in discharging the responsibilities which he will be called upon to shoulder. I believe that the two hon. members I have nominated enjoy the confidence of those whom they have been nominated to represent to a very marked degree, and I wish them both all success in their important undertaking.

Hon. members are aware that in accordance with our Standing Orders a session of this Council must be held not later than forty-two days after each General Election. The primary object of this meeting is, therefore, formally to constitute the new Legislative Council and, with your permission, to suspend Standing Orders so as to permit of the setting up of a Standing Finance Committee of the new Council to deal with day to day financial questions pending the opening of the Budget Session in November next.

As you know, I have received instructions from the Secretary of State to proceed to London for consultation at the earliest possible date prior to assuming the Governorship of Ceylon. I shall be leaving the Colony in a fortnight's time, and, both my own movements and those of Sir Philip Mitchell, whom I expect to meet in London, are necessarily indeterminate at the moment, but he expects to arrive here before the end of the Budget Session. In these circumstances I must leave it to Mr. Rennie, as Acting Governor, to review the year's working and outline the general framework of the 1945 Estimates, when he delivers the usual Communication from the Chair when Council meets again for the Budget Session.

There is only one further point to which I should like to allude. The period of office of the existing unofficial members of Executive Council expires at the end of the present month, and in accordance with past local practice fresh

[H.E. the Governor] appointments should normally have been made now for a period generally coincident with the life of the new Council. It seemed to me, however, that the public interest would best be served by leaving Sir Philip Mitchell perfectly free to exercise his own discretion in the matter. He has agreed with this suggestion and I have therefore obtained the approval of the Secretary of State to extend the life of the present Executive Council till the end of the year. The unofficial members of Executive Council whom I have consulted have kindly signified their willingness to continue to serve.

It only remains for me now to say goodbye. I was sworn in as a member of this Council by the Acting Governor, Sir Jacob Borth on 12th June, 1929. My five years of service as Colonial Secretary largely coincided with the period of world economic depression. In Kenya there was a general slump in the price of all agricultural products, and those years proved particularly difficult for the farming and business community as well as for the Government. I returned to the Colony as Governor in January, 1930. The whole period of my tenure of office has been overshadowed by the war. It is, therefore, there ever has been a period in Kenya when conditions could not be described as normal. I have had no personal experience of it. (Laughter.) I hope my successor, Sir Philip Mitchell, will be more fortunate. But despite such vicissitudes, I have never lost the affection for the country which I felt on first arrival. I shall leave it with regret and with sincerest good wishes for the progress and future prosperity of all its peoples.

The demands made by the war on our man power and material resources have been heavy. The nature of those demands has inevitably changed from time to time, sometimes with startling rapidity, in accordance with the varying and unpredictable fluctuations in the course of the war. In 1940, all our energies were directed to meet the threat of invasion of these territories from the north on Italy's entry into the war. To-day, the Colony has become an important source of supply for certain agricultural products urgently required for war purposes, a reception area for prisoners of war and refugees, a recruiting and training ground

for troops destined for the Middle East and South-East Asia Command, and Mombasa an important link and refuelling base on our eastward line of sea communications.

To meet such constantly changing conditions much had to be improvised, and the Government machinery adapted and expanded to embrace many activities which in normal times are carried out by individual and commercial enterprise; Government controls were set up, covering a variety of activities in the fields of production, supply and distribution. This system was imposed upon us as much by general world conditions as by our domestic needs. I should like to express my thanks to the many members of the unofficial community who have come forward, often in a voluntary capacity, to give the Government the benefit of their specialized experience in the execution of such tasks. Even with such unofficial assistance the Government service as a whole has been subjected to a severe strain, and I should like to thank them one and all for their work. Many, I know, would have personally much preferred to have joined the armed forces, had the Government been able to release them from their unspectacular but essential work. It has been my endeavour to maintain conditions in this Colony under which the members of the communities could make, each in his allotted sphere, his most appropriate contribution to the war, and to secure the maximum co-operation with the different arms of the three fighting services, which from time to time have been stationed among us. The task has not been easy owing to the varying tempo and sometimes conflicting demands made upon our limited local resources. For such success as we have achieved I have to thank all those concerned, for the spirit in which they have addressed themselves to the task.

The war has brought much temporary prosperity to Kenya, an assured internal market for many of her agricultural products and guaranteed prices for such exports as are purchased by the wartime Ministries at home. Money is plentiful, materials and consumer goods on which to spend it are in short supply. Staff, labour and materials, not cash, are now the limiting factors in the carrying out of our development plans. But the war has done much more than bring us

[H.E. the Governor] temporary prosperity. It has brought us into much closer personal contact not only with our immediate neighbours but with the Rhodesias and Nyasaland, the Belgian Congo and the Union of South Africa. We have welcomed troops from all these territories within our borders and got to know each other and the other fellow's point of view. Though we are no longer an operational area questions of supply and production, as well as those of African man power, are still largely dealt with by the Ministries at home on an East African basis. The activities of the East African Production and Supply Council and of the Governors' Conference are therefore all making for a broader and less parochial solution of our common problems. Under the stress of war all our energies have been directed to a common objective. Local prejudices and racial rivalries have in some measure been subordinated to the realization of our common war aims. But when these war-time pressures have come to an end the path of peace may prove even more perilous than that of war, unless these prejudices and rivalries can be dissolved. Their dissolution will call for the exercise of high qualities of statesmanship, tolerance, and mutual goodwill on the part of all races. Those qualities are part of our heritage as Englishmen, which it has always been our pride to foster and maintain. It is by their exercise that Kenya can prove her fitness to play her full part in shaping the future destinies of East Africa. (Applause.)

MINUTES

The minutes of the meeting of 9th June, 1944, were confirmed.

SUSPENSION OF STANDING RULES AND ORDERS

The Attorney General (Mr. Foster Sutton) moved, with the leave of His Excellency, that Standing Rules and Orders be suspended to enable the motion of which notice had been given for the appointment of a Standing Finance Committee to be taken at this sitting.

MR. DENNISON (Acting Solicitor General) seconded.

The question was put and carried.

Standing Rules and Orders were suspended.

STANDING FINANCE COMMITTEE

APPOINTMENT OF

CHIEF SECRETARY (MR. KENNIE): Your Excellency, I beg to move: Be it resolved that, in accordance with Standing Rule and Order No. 51, a Standing Finance Committee be appointed for the purpose of considering and reporting upon the annual and supplementary Estimates of Revenue and Expenditure in accordance with the procedure laid down in Standing Rule and Order No. 52, and of advising the Governor upon such other financial questions as His Excellency may from time to time refer to it: the Standing Finance Committee to consist of the Chief Secretary (Chairman), the Financial Secretary, the Chief Native Commissioner, Hon. W. A. C. Naive, Hon. F. J. Coulrey, Hon. W. G. Nicol, Hon. G. T. Nakore, and Rev. the Hon. J. T. Tschering.

Sir, I am grateful to you and the hon. members of the Council for allowing this motion to be taken to-day. The Government is very anxious that the Standing Finance Committee should be appointed as soon as possible: a certain amount of work is already waiting for it, and I have no doubt that a considerable amount of work will present itself in the very near future.

MR. FOSTER SUTTON seconded.

The question was put and carried.

VALEDICTORY

DEPARTURE OF HIS EXCELLENCY

MR. WRIGHT (Aberdare): Your Excellency, it is with very great regret that we must recognize this as the last occasion on which you will preside over us before taking up your new and important appointment. We have known you for many years in Kenya, not only as Governor but, prior to that, as Colonial Secretary, which was the title then, and we know that we are now losing one who has always been and will remain a friend to Kenya, and a good friend at that. On behalf of my colleagues on this side of the Council I would now convey our very best wishes to you in your new sphere of labour, as also to Lady Moore, to whom, as to yourself, we wish good health and great happiness. (Applause.)

MR. PATEL (Eastern Area): Your Excellency, on behalf of the Indian elected members I desire to associate us

[Mr. Patel] wholeheartedly with what has been said by the hon. Member for Aberdear. The Indian community will not forget that during the most difficult period we have ever had in this Colony we received a hearing of sympathy and understanding from you whenever we came to you and placed our problems before you. It is with great regret that we learn some time back that Your Excellency was going to Ceylon, but we think that our loss is the gain of Ceylon. On behalf of the Indian elected members I wish Your Excellency a most successful period in Ceylon in your new sphere of activity. (Applause.)

SHERIFF AHDIKLA SALIM (Arab elected member): Your Excellency, I have been asked by the Arabs of Kenya to express our sorrow and disappointment at Your Excellency's departure from the Colony, and our sincere thanks for the great consideration you have always shown in dealing with our questions. But I should also like to take the opportunity of requesting Your Excellency to be good enough to settle the still outstanding grievances before your departure. (Laughter and Applause.)

MR. BRECHER (African Interest): Your Excellency, my colleague and I wish to offer to you the thanks of the whole of the African community of the Colony for your services to us, first as Colonial Secretary and Acting Governor, and latterly as Governor. Your Excellency has been called upon to meet abnormal difficulties, as you have already indicated, throughout the whole of that period, or practically so, but you have always been able to meet them, if I may say so, with abnormally good success. In particular, the African community desire to express their thanks to you for this further step taken in the forwarding of African interests, because today we have made history in the East African colonial empire by the appointment of one of their number as Your Excellency's choice to represent their interests in this Council. They wish to offer to you, sir, their good wishes, and to Lady Moore, as you leave us, with very considerable regret to take up this task of great responsibility in Ceylon. (Applause.)

MR. RENNIE: Your Excellency, on behalf of the official members of this Council I should like to associate our-

selves with the tribute that has been paid to you this morning, and to associate ourselves also with the expressions of regret that have been voiced at your departure. We who have worked with you in very close association during the last five years realize how much this country owes during that very difficult period to your wise leadership. We trust that in your new country your difficulties will be no greater than they have been here—(laughter)—and I am confident that Your Excellency's experience in Kenya will have given you that ingenuity of mind and fortitude of soul necessary to deal with any difficulties that may arise. We wish you, sir, and Lady Moore all success and happiness in your new country. (Applause.)

MR. EXCELLENCY: Honourable members, I should like to thank you all most sincerely for the very kind words that you have said about my wife and myself. She, equally with myself, has a great affection for this country. It is a lovely country, and the fact that it has so many problems makes it all the more interesting and makes it quite impossible for anyone to go to sleep. (Laughter.) We shall leave it with very real regrets and, in particular, we shall be leaving many good friends behind us.

There is one thing I should like to say as an old member of this Council. That is, that I hope very much that the high standard of procedure and debate which has characterized it over a period of years will be maintained. I have had some experience of other legislatures, and I think that the general standard of debate here and the procedure adopted compare very favourably with those to be found elsewhere, and I would like in my capacity as President of the Council to say that I hope members will be as diligent of their privileges in the future as they have been in the past.

If only remains for me again to thank you, and to express the hope—which I am quite sure will be fulfilled—that you will give Sir Philip Mitchell, your new Governor (who has the advantage of a wide experience of these territories), the same support that you have given myself. (Applause.)

ADJOURNMENT.

Council adjourned to a date to be notified to hon. members.

Tuesday, 14th November, 1944

Council assembled in the Memorial Hall—Nairobi, at 11 a.m. on Tuesday, 14th November, 1944. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.), presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to Hon. E. R. E. Stridde, Acting Chief Secretary: Mr. Samsud-Deen, Central Area.

COMMUNICATION FROM THE CHAIR

His Excellency made the following Communication from the Chair:—

HONOURABLE MEMBERS:

Since we met here in Budget Session last year the general war situation has shown vast changes and mighty progress. Deserted by most of her former allies, driven from countries over which she lately sprawled in presumptuous conquest, hurled back in confusion to her own frontiers, Germany, now faces the inevitability of defeat at no far distant date, although much hard fighting still remains to be done. The other end of the Axis, Japan, has recently suffered an overwhelming naval disaster, and the Allied forces are gathering closer for the final rounds of the struggle, which will be grim and bitter and may be protracted. With so many of our young men engaged in fighting the Japanese, we in Kenya watch closely the course of events in South-East Asia, and our hope is that victory will be achieved—complete and final victory—before another Budget Session comes upon us.

In looking back over the months that have elapsed since the last Budget session it is appropriate that we should ask ourselves what we have to show for our activities over the period. Have we as a Colony contributed materially to the war effort and so furthered the interests of the United Nations? Have we also made good use of the time and planned and worked wisely and energetically for the development and welfare of Kenya? Without being in any way presumptuous or complacent I think that we can confidently answer both questions in the affirmative. Our endeavour for the future must be so to maintain and even intensify

our efforts that the task to which we have put our hand may be well and truly completed.

Entering as we are on the sixth year of war, the strain on our manpower and on our womanpower is very great. We are still required to produce as much food as we can, and also such high priority crops as pyrethrum, sisal, rubber and flax, to say nothing of timber, wheat and maize. In addition the requirements of the Services, the civil authorities, and the commercial community make heavy demands on our limited resources. Every endeavour is being made to effect a fair distribution of such personnel as are available, but it is most unlikely that our situation will become easier for some considerable time to come. I shall have more to say on this aspect of the matter later in this address.

In December of last year Sir Henry Moore announced in Legislative Council that East Africa was facing a serious food crisis, and that he was taking immediate steps to create machinery to deal with the problem arising from it. This machinery created was designed not only to control and supervise the allocation of food required for the urgent necessities of famine relief in the native areas, but also to allocate the limited foodstuffs available for natives in civil employment to the best advantage possible. For these purposes, Sir Henry Moore appointed Mr. R. S. Wollen to be the officer responsible for the allocation of African foodstuffs and Mr. P. Wyn Harris to correlate the famine requirements. The latter was also charged with the duty of examining the possibility of redistributing labour with a view to ensuring that African manpower consuming the food was used to the best advantage in furthering the war effort and maintaining services essential to the life of the community.

In view of the urgency of the situation, Mr. Wollen took immediate action to adjust allocations of foodstuffs to employment labour throughout the country by a reduction of approximately 15 per cent wherever it could be done without detriment to the war effort. He also refused rationing to employers of labour in new undertakings, unless such undertakings were essential to the community. At the same time, every application for famine relief was closely scrutinized in order to

[H.E. the Acting Governor] ensure that the amounts supplied were essential in order to avert famine in the area concerned. Districts affected contained no stock-up reserves from the Reserves, they were allowed, such reserves being available at immediate call, if the diminished supplies proved insufficient. These steps were in part responsible for the very considerable savings of food which were effected. We were, however, also fortunate in getting rain in several areas at critical moments and it is worth noting that whereas the estimated requirements for the first nine months of this year for famine relief were given in January as over 500,000 bags, in fact only approximately 300,000 bags were issued. The greater part of food for famine relief went to Ukiambani, Kiwira was one of the lucky districts that rain saved part of the short rain crop, but the serious famine in Machakos, now in its second year, continues, and assistance there on a large scale is still necessary. In that district the Administration set up an organization for the distribution of food which has handled and distributed the large quantities supplied. In order to prevent the pauperization of the tribe, it was necessary to sell this famine food at a price below its cost. That subsidy has been paid in part by the Government and in part by the Tribal Native Council, the bigger proportion being borne by the Government. This subsidy has relieved the Government from the necessity of giving any free relief, as the tribe itself has succeeded in supporting the poor and indigent.

Even with the steps taken to economize in food, there was a gap between our consumption and our requirements. To bridge this gap considerable quantities of foodstuffs were imported, with results to which I will refer later when I deal with the present food position.

Concurrently with the measures adopted to secure the food position, the question of the better distribution of the labour consuming that food was examined, and proposals were submitted to the Government by Mr. Wyn Harris that were designed (a) to prevent labour engaged in essential industry, particularly agriculture, from drifting to unessential employment in the towns; (b) to clear the towns, particularly Nairobi, of the unemployed and juveniles, and (c) to control

the employment of unessential labour there. These proposals were approved by the Government, and as a result Mr. P. E. Foster was appointed Labour-Controller, Nairobi, in order to carry out this policy. The number of domestic servants employed by households was made subject to restrictions, and unemployed were collected and either directed to approved employment, returned to their homes, or conscripted. The employment of juveniles under sixteen was prohibited in the Nairobi Municipality, and increases in the numbers of employees engaged by employers in the Municipality are now authorized only on written permit. In order to discourage the wasteful use of cheap labour, and by cheap labour I mean natives prepared to work below the subsistence level in the Nairobi Municipality because of the attractions of the city, a minimum wage was imposed. It is difficult to assess the extent of the success that these various control measures have achieved, pending the result of the Special Labour Census which will be held at the end of this month, but it may be of interest to know that in the first six months of the control approximately 3,000 unemployed have either reported or have been taken before the Labour Exchange. Of this number 1,300 were directed to approved employment in or around Nairobi, 500 were conscripted to essential work and 1,200 were repatriated to their reserves as being either exempt or unsuitable for conscription. In addition to these numbers, it is believed that many more have left the town rather than run the risk of being taken before the Control with the possibility of conscription. The Control has had a marked effect on the stabilization of labour in the town; before control there were approximately 8,000 engagements and discharges every month, now there are approximately 1,500.

To deal with the peculiar problem in Mombasa regulations were introduced to prevent the steady flow of up-country natives to the coast, as there was more labour in Mombasa than could be beneficially employed. At the same time Government instituted voluntary repatriation of up-country natives from the coast, and over 1,500 Africans were sent to their homes. Regulations requiring the registration of casual labour on the Island are now being enforced and

[H.E. the Acting Governor] steps are being taken to repatriate compulsorily all unemployed up-country natives now hanging about Mombasa Island. In the up-country areas, powers under the Defence (Limitation of Labour Regulations) have been delegated to District Commissioners; these powers they have been instructed to exercise in accordance with the advice of their Production-Sub-committees. These Sub-committees, however, have not found it desirable to make any widespread redistribution of labour and the powers have only been exercised in isolated cases.

I am sure that honourable members will agree that the results achieved by the machinery created last year to deal with the problems arising from the serious food crisis that faced the country at that time gave cause for satisfaction, and that our warmest thanks are due to the officers chiefly concerned.

While I am dealing with the subject of labour, the question of squatters deserves mention. On the representations of the Agricultural Production and Settlement Board, the Government has approved the appointment of five inspectors of resident labour, and has provided the necessary funds. Owing to the difficulties of manpower it has been possible to date to make only three appointments, but a start has been made in the Nakuru District. The first reports show some interesting figures. For instance, on twenty-six farms inspected in the Subukia area, just over 1,000 resident labourers had 4,500 dependants and 10,000 sheep. They cultivated in all 3,000 acres of land. On farms where the occupiers exercised control of cultivation, the average cultivation by each family was just over two acres. Where control was not exercised the amount of cultivation was nearly double this. Further appointments of inspectors of resident labour will be made as soon as suitable men can be found. It is too early yet to say much about the results that are being achieved, but it can be confidently expected that the appointment of these Inspectors will result in a greater compliance with the provisions of the Ordinance and of the regulations thereunder, and in a more satisfactory state of affairs as regards squatter labour generally.

During the year under review the Labour Advisory Board and the Central

Wages Board have dealt with many matters affecting labour conditions in the Colony. The former Board now has under active consideration recommendations regarding the consolidation, revision and bringing up to date of all the labour legislation in force in the Colony.

As honourable members are aware, Mr. P. de V. Allen, the Labour Commissioner, is at present on leave preparatory to retirement, and I am confident that all will join with me in expressing appreciation of the valuable services that he has rendered to the Colony over many years and in wishing him good luck in his retirement.

I now turn to the present food position. Largely owing to the measures to which I have already referred the food position has improved and the Colony is better placed than for some time past to meet any set-back which may arise from a failure of the rains in the near future.

Very substantial stocks of cereals for African consumption are being held by the Cereals Pool and these reserves plus incoming crops are, as far as can be foreseen at present, sufficient to cover East African requirements until September, 1945.

The carry forward of old crop wheat has increased and while it is unsafe to make any prophecies about the new crop until it has been safely harvested, the present indications are that the yield will be good. The recent increase of the flour ration scale by an extra starch unit per week is no doubt welcomed by consumers.

Stocks of butter at the end of December are expected to be substantially higher than in previous years and a reserve of ghee manufactured from converted butter has been established.

Potatoes have been freely available for several months but supplies will decrease from December onwards and there will be the seasonal shortage in the early part of next year, the extent of which will depend on the incidence of the short rains.

Bacon, sausages and pork are freely available and it is hoped to maintain the beef and mutton allocations but the movement of cattle becomes very difficult if rains are below normal. The increased output from the Shimoni Fisheries will provide additional quantities of fish as an alternative.

19. Agricultural Production

[H.E. the Acting Governor]

The supply position in regard to edible oils and rice gives rise to anxiety. Unfavourable weather conditions seriously affected the East African groundnuts and paddy crops and production has been far less than had been expected. It is, however, hoped to maintain the existing ration scale.

The sugar position has improved but it is unlikely that any addition will be made to the quantity allocated for local consumption because of the world shortage and the urgent demands of the Ministry of Food for maximum exports of sugar.

I am glad to be able to record that the system of control over the distribution and rationing of essential foodstuffs has worked satisfactorily during the year and I should like to pay tribute once more to the work of the Central Commodity Distribution Board under the Chairmanship of Mr. Lord, and also to that of the Regional Boards. We in Kenya are fortunate in that we have suffered no real hardships as a result of food rationing.

I now turn to the subject of agricultural production, and at the outset would express my appreciation of the valuable work done during the year by the Department of Agriculture in both native and non-native areas, and also by the Agricultural Production and Settlement Board and by the various Production Committees and Sub-committees in non-native areas. I would also congratulate producers on the results achieved under weather conditions that were at times far from favourable.

So far as production in the non-native areas is concerned, perhaps the most important of the functions of the Agricultural Production and Settlement Board is the administration of the Increased Production of Crops Ordinance, under which production is stimulated by means of grants, subsidies, and other financial assistance, and it will be of interest to honourable members to have an indication of the financial implications, considered together with production figures.

The grants for breaking new land amount to £159,000 during the years 1942, 1943 and 1944 up to date; fertilizer grants over the past two years amount to some £50,000, and a special acreage maize bonus which was sanctioned this

year in an attempt to ensure our maize supplies amounts to £47,000—a total of £256,000. Honourable members will wish to know what we have obtained for this expenditure. The answer is an increased production of over a million bags of the five main cereals—wheat, maize, rice, barley and oats—in the two years 1942 and 1943 during which the Ordinance has been in operation, and this in spite of drought conditions. Nor, of course, is this the final result as the stimulative effect on production of this expenditure will continue to be felt for some time. In 1943 and 1946 that is to say, for so long as the Increased Production of Crops Ordinance continues to operate.

In addition to the grants just mentioned, advances and loans amounting to some £164,000 have been made to farmers since the inception of the Ordinance in 1942, and it is satisfactory to report that recoveries have been effected year by year without difficulty.

As regards the future, I am glad to be able to announce that as a result of representations made by the East African Governments, the Secretary of State has agreed that the special grant of Sh. 7/50 an acre already mentioned should be maintained in respect of non-native maize planted during 1945 and 1946. He has also agreed that producers of maize should be guaranteed a minimum price of Sh. 12 a bag free on rail for K.2 quality maize planted in 1945 and 1946. It will still be the intention to fix a suitable price, not less than Sh. 12 a bag, for each crop year by inter-territorial agreement as is done at present. Honourable members will no doubt agree that this arrangement will make manifest the Government's intention to encourage maize production and to create a sense of security among maize producers which should ensure the maintenance of maize production on at least its present scale.

In so far as other crops are concerned, the dry weather has adversely affected the prospects of the coffee crop, the present estimate for which is approximately 7,000 tons. Pyrethrum deliveries over the first half-year show a gratifying increase and there is no reason why this increase should not be maintained. The output of tea for the first half-year was five and a half million pounds—an improvement of 25 per cent over the corresponding period of last year. Sisal produc-

[H.E. the Acting Governor]

It is likely to show a substantial increase over the 1943 figures. Timber production in Kenya also shows a marked increase, from nearly 60,000 tons in 1942 to 76,000 tons in 1943 and probably 80,000 tons this year.

I should like to take the opportunity at this stage of congratulating Mr. Norton, Director of Produce Disposal, and Mr. Wollen, Deputy Chairman of the Kenya Coffee Control, on the success of the mission in which they undertook in the interests of the coffee industry. As a result of their visit to the United Kingdom in July, the Ministry of Food have agreed to a price of £110 per ton for this year's crop and as a basis for future years, the price being varied up or down in relation to the trend in the costs of production. I am sure honourable members will join me in thanking these two gentlemen and also in expressing appreciation of the Ministry's action in agreeing to the new coffee basis, which in a normal season will ensure a reasonable margin of profit.

Honourable members are aware that the desert locust has continued during the year to be a major threat to the country's agriculture. Thanks to the energetic measures of destruction carried out, this threat has not become a disaster and the loss of crops has been small. I am sure that honourable members will agree that the results achieved are very satisfactory; our thanks are due to the military authorities for the most valuable assistance that they have rendered, to officers of the Administration who have tackled a most formidable task with great energy, ability and zeal, and also to the officers of the Anti-Locust Directorate, in particular Dr. Le Pelley and Lieutenant-Colonel East-King, who have planned and organized the anti-locust campaigns with efficiency and enthusiasm that merit the highest praise. Last but not least let us acknowledge our debt to the thousands of Africans who have carried out the actual work of locust destruction, sometimes under the most trying conditions.

So far as the live stock side of farming is concerned, there is a general tendency to look to that side as the main field for post-war development in farming. This view is no doubt responsible for the greater interest that is being shown in

such subjects as the compulsory dipping of cattle, the importation of foundation stock, live stock improvement and community-breeding schemes, all of which fields the Department of Veterinary Services is actively preparing for post-war development.

The future of the dairy and pig industries must depend to a large extent on export markets. This involves the provision of adequate terminal cold storage facilities at Mombasa, and I am glad to be able to announce that, after negotiations with the industries concerned, the Railways and Harbours Administration has taken steps to place an order for the provision of new facilities to a capacity of one thousand two hundred tons an estimated cost of £40,000. The installation of these facilities should ensure that export will not be held up through lack of cold storage facilities in this country when local demand begins to diminish.

As regards the Live Stock Control, I am glad to be able to record that it will appear that both the military and civil requirements for 1944 are reasonably secure, although a further review of the position will be necessary in respect of the 1945 requirements. In this regard I would mention that since its inception the Live Stock Control has handled in round figures half a million head of cattle, and 590,000 sheep and goats; to say nothing of pigs, camels and game meat. Of the half-million head of cattle, some 333,000 have been provided by Kenya natives, 60,000 by European settlers in Kenya, and 107,000 head from neighbouring territories.

In this connexion I should like to pay tribute to the officers of the Live Stock Control who have lived hard and strenuous lives in their endeavour to obtain the required numbers of cattle for slaughtering purposes. I should also like to express appreciation of the assistance given them by officers of the Administration, who, I am well aware, have gone to some considerable trouble to ensure that the desired quota of animals was forthcoming. Finally I would pay tribute to the spirit of co-operation shown by the owners of the live stock, who, realizing that the war effort so required, have parted with their animals with a good grace, although with some reluctance at times.

It is not out of place to remind honourable members once more that the move-

[H.E. the Acting Governor] ment of this large number of slaughter stock to markets and from markets to the consuming centres has been carried out without occasioning any serious uncontrollable spread of the major stock diseases. If anything, the position to-day in respect of the incidence of such serious major diseases as rinderpest, East Coast fever, and bovine pleuro-pneumonia is better than it was at the outbreak of the war, and this we owe to the unremittent efforts of the staff of the Veterinary Department, which has undertaken the additional work without any increase in personnel. In the course of the anti-rinderpest campaign, which began in 1942, more than three million inoculations have already been performed by the departmental staff in the native reserves, and the incidence of the disease in those areas where inoculations have been completed has been reduced to the lowest level in our history. This striking result, so rapidly achieved, augurs well for the future success of the total eradication campaign which it is hoped to undertake in the early post-war years. A concerted attack is also being made on the foci of pleuro-pneumonia infection in the native pastoral areas, and in 700,000 vaccinations against this disease have been carried out during the current year.

I would also mention that the Tsetse and Trypanosomiasis Survey is operating three units, which are mapping the fly population, the extent of the permanent "fly" belt, seasonal, and occasional dispersal zones, with a view to framing measures of control and reclamation on a large scale. By this means it is hoped that it will be possible to provide additional land for native and non-native occupation after the war—a matter to which the Government attaches the greatest importance.

I now turn to the Civil Service. Honourable members will recollect that during the last Session of this Council reference was made to the proposal to appoint a European Civil Service Advisory Board. The Board has now been appointed and is in the process of dealing with a number of difficult problems affecting the European Civil Service of the Colony. With regard to the Asian Civil Service, a Committee has recently been appointed to examine the present

terms and conditions attached to appointments in the Asian Civil Service and to make recommendations with a view to such modifications as may be considered necessary. As regards the Civil Service generally, I would take the opportunity of associating myself with the remarks of Sir Henry Moore in his Farewell speech in this Council, when he paid tribute to the way in which the Service had stood up to the severe strain imposed upon it during recent years. I am confident that the Service will continue its good work through the difficult days that lie ahead.

Turning to the customs and excise revenue position, I am glad to be able to report that the figures for the first nine months of this year are very satisfactory, showing as they do an excess of some £59,500 over the proportionate estimate for the period and an excess of some £500,000 over the figures for the similar period of 1943. We have many causes for thankfulness in this country during these days of war, not the least being the fact that despite acute shipping difficulties our imports and our exports have been maintained at a high level.

As regards educational matters, honourable members are aware that the late Director of Education, Mr. A. T. Lacey, left in March this year on leave preparatory to retirement. During recent years Mr. Lacey suffered from indifferent health, which caused him to retire prematurely at a time when he could ill be spared. I am sure that the honourable members will join with me in expressing appreciation of the very valuable services rendered by Mr. Lacey during his five years' stay in Kenya. He worked hard and unceasingly for the development of education, and served this country with great enthusiasm and efficiency. We hope that his health will speedily be restored to him. We are fortunate in securing the services of Mr. R. S. Foster as his successor, and on behalf of honourable members I extend a welcome to him in this his first Budget Session; we wish him all success in his new appointment.

During the past four years one of the most urgent and difficult problems confronting the Education Department has been the provision of adequate accommodation for the ever-increasing number of children who seek admittance to Government schools, and it says much for the energy and resource of that department,

[H.E. the Acting Governor] and also of the Public Works Department, that their efforts have achieved a large measure of success. As an indication of the extent of the problem it may be noted that the number of boarders in Government European schools has increased from 626 in the last school term prior to the outbreak of war to 1,171 in the second term of this year, and the total roll from 1,218 to 1,991 during the same period. So far as Indian education is concerned, the roll in Government Indian schools increased from 4,432 in the last school term prior to the outbreak of war to 6,461 in the second term of this year.

The Education Department has also been confronted during the year with the problem of securing adequate staff for its expanding needs. Here too a considerable measure of success has attained its unceasing efforts, but the situation is still serious, especially in the case of Indian education where the difficulty of recruiting a sufficient number of suitable teachers continues to be a serious obstacle to the efficient conduct of our Indian schools.

In African education the main difficulty has been one of staff, both European and African. Despite this the new school at Kabarnet has been opened, while Primary Teacher Training classes have been instituted at the Government Kikuyu School, Kagumo, pending the erection of a permanent centre at Embu for which funds are being provided under the Colonial Development and Welfare Act.

It gives me great pleasure to mention that despite the difficulties to which reference has been made and the general protection measures, more transport has been obtained, and further access roads are under construction in the Kininooop, Laikipia and West Kenya forests.

The Forest Advisory Committee has held several meetings and has approved a statement of Forest Policy which is now under consideration of the Government.

and girls of all races, and I am happy to be able to report that the Secretary of State has approved of a free grant being made under the Colonial Development and Welfare Vote of £180,000 in respect of that scheme.

Before concluding my remarks on education I would mention that early this year it was decided that the Committee which had been appointed to examine and report on educational expenditure should resume its duties. I understand that its report will shortly be submitted to the Government.

As regards the Forest Department, the exceptional demands for forest produce have increased rather than diminished, and the organizing of these supplies takes up a great part of the Department's time. The pressure of this urgent work at present prevents much desirable development, but, as honourable members are aware, surplus forest revenue is being put into a special fund to enable such development to be undertaken as and when circumstances permit. The important work of replanting cut-out forest is not being neglected and in spite of difficulties is proceeding at a greater rate than in previous years. The planting this year has been mainly of a timber species and the area planted will produce, on maturity, many times the quantity of timber cut during the year.

Recent dry years have greatly increased the forest fire danger but the forests have suffered less damage this year than last. The conditions in the early part of the year were very bad and many fires had to be dealt with, but only one attained serious dimensions. Funds have been provided for more extensive fire-protection measures, more transport has been obtained, and further access roads are under construction in the Kininooop, Laikipia and West Kenya forests.

The Forest Advisory Committee has held several meetings and has approved a statement of Forest Policy which is now under consideration of the Government.

I would now refer to certain aspects of the work of the Information Office. A good deal of criticism is current here and overseas as to Kenya's lack of publicity in the Press of the United

(H.E. the Acting Governor) Kingdom. There is some justification for this complaint, but we should remember that in war time editors are flooded with news items and their problem is one of finding sufficient space for the material which pours in upon them.

The Information Office during the first ten months of this year sent some 52 articles, nearly all of them illustrated, to Britain for publication, as well as a weekly letter of news items, as well as a monthly digest of the publication of material from the latter than from the former. During July and August at least 75 paragraphs from these newsletters were published in the British Press as well as eight articles sent by the Information Office. These articles appeared in a total of nineteen papers. Forty-seven sets of photographs, some to illustrate articles, some as picture series, have been sent home, mainly to the Colonial Office. The first two illustrated articles to be sent to an agency are each finding publication, and of the seven picture series dealt with so far by the Colonial Office, one has been published in an illustrated journal, three have been made into film strips for wide showing in schools in Britain and abroad, and one has been distributed as an exhibition set to a number of Colonies and to Press attachés in foreign countries, including China, Russia and Latin America.

Honourable members will be pleased to learn that a second Mobile Cinema Van has been allocated to Kenya by the Ministry of Information from those under construction in London. This should now be on its way here. Meanwhile the old van continues to do good work.

A new venture capable of useful post-war expansion has been the establishment of civil information rooms. Designed in the first place to serve and interest askari on leave at District Headquarters, they are being developed as the first steps to social halls where literature, the wireless and letter-writers for the illiterate are made available to the native public. They will no doubt later serve as adjuncts to any scheme for mass education that it may be decided to undertake.

During the year there has been gratifying progress in the development of Local

Government in rural areas. Practically all District Councils have decided to undertake greater responsibilities in the provision and administration of local services and with this end in view are preparing to adopt a system of local rating. A survey of all existing District roads has been made and it is estimated that the cost of bringing them to an adequate standard will be in the neighbourhood of £400,000. This question will be reviewed in the light of the major proposals for the development of the Colony's communication system. In the meantime, District Councils and Councils and representatives of the Government will shortly meet to discuss and report upon the further activities which Councils should undertake after the adoption of local rating and also upon the apportionment of financial responsibility between the Government and the District Councils in respect of each activity.

The shortage of materials and of skilled workmen together with food supply difficulties has retarded the progress of various schemes for the erection of urgently needed housing accommodation for Africans in urban areas. The first instalment of the scheme for housing Government servants in Nairobi has been completed and progress is being made with the remainder. At Mombasa the building operations are now well advanced. In this connexion I should like to mention the most valuable assistance that has been granted from the Colonial Development and Welfare Vote in the form of a free gift of £83,000 for Government African housing at Nairobi and of a free gift of £78,000 for Government African housing in Mombasa. To meet the needs of the population in Nairobi other than Government or Municipal employees the Municipal Council and the Local Government Housing Committee have embarked on large scale schemes which will appreciably relieve the housing shortage. The Government is at present corresponding with the Secretary of State about the establishment of the Housing Loans Fund which is to be set up under the Housing Ordinance which was enacted during the last Budget Session.

Honourable members will wish to know the position with regard to Maize Control reorganization which formed the

(H.E. the Acting Governor) subject of a motion in this Council last February. A thorough examination has been made by the Government of the existing system of maize control and of a number of modifications to the present system which were suggested. This investigation and consultation with the trading and other interests concerned took several months and culminated in a round-table conference under the Chairmanship of Mr. Norton, Director of Produce Disposal, on September the 18th and 19th and October 9th, at which representatives of producers, traders and consumers were present. Unanimous agreement was reached and it was recommended that, in present circumstances, and particularly in view of the fact that the Control is holding and will have to continue to hold during the coming year large reserve stocks, no change should be made in the existing system of control but that as soon as the position becomes more normal the problem should again be examined. July, 1945, was suggested as a suitable date for a further review. The Government has pleasure in recommending to the Conference and I record with pleasure the fact that all interests concerned have reached agreement on this very contentious subject.

I would also mention that Mr. A. B. Killick took over the duties of Maize and Produce Controller on the first of August and is carrying out a very difficult task with tact and efficiency. Honourable members will appreciate that while Mr. Killick is seconded to this work the Department of Agriculture is without the services of its Deputy Director at a time when he cannot easily be spared. This arrangement cannot be continued indefinitely without very serious detriment to the work and efficiency of the Department. It is therefore hoped that it will be possible to find a suitable successor to him as Maize Controller before many months have passed, but the post is not an easy one to fill.

During the period under review the general state of the public health has been on the whole satisfactory although the nutrition of the population in most areas of the Colony leaves a good deal to be desired. The problem of nutritional deficiency amongst Africans in Kenya and its relation to agricultural develop-

ment is, however, engaging the attention of officers of the Agricultural and Medical departments working in close co-operation.

The position as regards venereal diseases is disquieting as although hospital and dispensary statistics produce little evidence to suggest that there has been any notable increase amongst the civil population, there is no doubt that an insidious spread is taking place. With the co-operation of the military authorities, measures have been taken to check this spread.

Arrangements have now been made for the provision of additional hospital accommodation for Africans at various stations throughout the Colony in order to reduce the overcrowding which exists and to provide for the needs of disabled soldiers. Building operations have begun at a number of centres and at some these hospitals are nearing completion. As regards Nairobi, it is hoped that it may be possible to begin work on a second African ward block of the Ggroup Hospital at an early date. As the position regarding hospital accommodation in Nairobi for Africans still remains unsatisfactory, it is expected that work will shortly begin on the construction of additional accommodation in temporary materials which should provide reasonably adequate hospital facilities until such time as the Asian ward block can be built.

Honourable members will recollect that early in 1943 a committee was appointed to consider ways and means of reducing European Hospital Fees. The Committee's report, which is now being printed, will be laid on the table during the present Session, and will also be widely distributed in order that its recommendations may be examined by all bodies and organizations concerned and their views obtained.

The Police have had another busy year, but I am glad to be able to report that their efforts to deal with crime have met with a considerable measure of success. Stock thefts show a considerable decrease in the first eight months of 1944, while the cases of housebreaking and burglary are lower than during the corresponding period last year. Against this, however, there has been an increase in cases of

[H.E. the Acting Governor] theft, almost entirely in Mombasa and Nairobi. Remedial measures have been taken at Mombasa, and I am glad to say that crime there is now on the decrease. Reorganization of the Force has also been carried out in Nairobi and it is hoped that the position will improve in the very near future.

The Posts and Telegraphs Department has continued its good work during 1944, and various improvements of considerable importance have been effected. For example, the addition of 500 lines to the Nairobi Automatic Exchange is well advanced and will shortly be brought into use, and a wireless telegraph chain, comprising at present two wireless stations, has brought many isolated areas in the Northern Frontier District and Turkana District into daily touch with all other parts of the Colony.

Honourable members are aware that Mr. Hendrie, the Postmaster General, is retiring in the very near future. He has been Postmaster General since 1936 and during the past five years in particular his duties have been most heavy and exacting. In addition to his ordinary work as Postmaster General he has carried out with great efficiency the difficult task of Chief Censor. I should like to take the opportunity of expressing appreciation of the valuable services rendered by him to Kenya during the past eight years, and in wishing him good fortune in his retirement.

With regard to Price Control, its primary purpose is to control inflation and to ensure that the price of essential goods remains within the reach of all classes of the community. Considerable increases have occurred in the landed cost of all imported goods and many items of local produce have also advanced for sound economic reasons. Notwithstanding this the steps taken to control prices have achieved a considerable measure of success and we in Kenya are in a much happier position in this respect than many other countries. I welcome the opportunity of paying tribute to the very valuable work done by the Price Controller and his staff.

The Public Works Department has carried out a very heavy programme during the year, as regards both roads and buildings. Impatience is sometimes

expressed at the rate of progress on the reconstruction of the Nairobi-Nakuru and Nairobi-Thika roads, and at what appears to be unnecessary delay in applying the bituminous surface on certain sections. I would merely make one point in this connexion—that it is most desirable that catwalks, especially embankments, should have the advantage of traffic consolidation, if trouble is not to be stored up for the future. Soil stabilization in the catwalks must be ensured as far as possible before application of the bituminous surfacing, otherwise there is the danger that stretches of the road will later fail, not because of faulty specifications in the foundation or bituminous surfacing, but on account of soil instability.

Owing to drought conditions water supply problems have been accentuated during the year, but much useful work was carried out. I would mention only the completion and opening of the canals at the Narok and Pesi swamps, which had the effect of augmenting the flow of the Usso Nyiro River to a considerable extent, thus providing a permanent and very valuable asset; and also the additional storage and increased water supply that are being provided at Mombasa.

Honourable members are already aware of the allocations made under the Colonial Development and Welfare Vote to deal with some of the water problems of the Colony, but in this connexion it must be borne in mind that, in order to make any material progress in this direction, the staff provided under the various schemes, together with the additional Hydrographic Survey staff allowed in the current year's Estimates, must be engaged. I regret to say that in spite of all efforts to engage the staff required, little or no progress has yet been possible.

The pressure on the Kenya and Uganda Railways and Harbours continues to be heavy. The revenue position on the 30th of June was £263,416 above the estimate in respect of the Railway and £31,265 in respect of the Port. At the end of June, the tonnage lifted in 1944 exceeded that lifted in the first half of 1943. On the passenger side, the monthly average of passengers carried exceeded the monthly average for the pre-

[H.E. the Acting Governor] cooling year and was approximately three times the pre-war monthly average. There have been some additions to the Administration's stock of locomotives and goods wagons, seven locomotives having been received and 380 U.S.A. goods wagons, but there have been no additions to the passenger rolling stock and it is becoming increasingly difficult to meet the public demand for passenger transport. The traffic at the Port of Mombasa continues at a high level and the monthly average of both imports and exports up to the end of June exceeds the monthly average for 1943. The number of ships entering the Port is, up to the end of August, per month, higher than the average for the year 1943.

Since the last Session of this Council a Civil Reabsorption Board has been appointed whose duty it will be, *inter alia*, to make detailed arrangements for the reestablishment in civil life of members of His Majesty's Forces, both men and women, and for the post-war settlement of men and women who have, during the present emergency, been engaged upon work of national importance. The Board is now actively engaged in formulating plans to effect this purpose, and honourable members will observe that the same provision, viz. £100,000, as appears in this year's Estimates has been included in the draft Estimates for 1945 under Head 40, Item 34, Demobilization and Reabsorption of Service Personnel.

I would also mention in this connexion that Mr. P. E. W. Williams arrived in the Colony on the 28th of August to take up his duties as Director of Training and is now engaged in a survey of the training facilities available locally and in other preliminary work.

Connected with reabsorption problems is the question of planning for the post-war development of the Colony. Since August last it has been possible for the Economic Secretary, Mr. Troughton, to devote a good deal of his time to this most important matter. Planning is being carried out on a district basis in the first post-war plans, and district plans are now being considered by Provincial Commissioners who are required to submit provincial plans to the Government before the end of the year. The Economic

Secretary has visited most of the districts in company with Provincial Commissioners and has had many discussions with local Planning Committees, and proposals are beginning to take definite shape. These discussions have been most valuable in that they have given the Economic Secretary an insight into the various problems which have to be dealt with, and I understand that they have also proved most useful to local committees. When the various provincial plans have been received in Nairobi, a Colony plan will be prepared. With this object in view Sir Henry Moore before he left approved the appointment of a Planning Committee, and steps are being taken to this end. The Committee's task will be both difficult and arduous, but it will not have to start its work from scratch; much has already been done and long range schemes for soil conservation and general agricultural development and for the development of the water resources have already been prepared as well as several other relatively minor projects.

A great deal of attention has been paid during the year to the question of settlement, and early in the year the necessary machinery was established for implementing the 1939 Settlement Scheme. Five people have been settled on the land with the assistance of settlement loans under that scheme. This is a small beginning, but such is only to be expected in war time. Since post-war conditions are very different from those of 1939 a Sub-committee of the Agricultural Production and Settlement Board was appointed some months ago to devise schemes for the settlement on the land of classes of settlers for whom the 1939 scheme is not appropriate. I refer in particular to Kenya ex-soldiers of certain categories and to settle with very little capital. This Sub-committee is expected to report very shortly. Already over 400 applications have been received for Crown land farms; nearly 200 applications for assistance under the present or future settlement schemes, and 200 Service men have stated that they wish to be employed in agricultural pursuits after the war.

Honourable members do not need reminding that the Land Control Bill was passed through this Council for the express purpose of facilitating provision of land for new settlers. The Bill was re-

(H.E. the Acting Governor) served for the signification of His Majesty's pleasure, which has not yet been notified to me.

Turning now to the financial position, honourable members will see from the Financial Report for 1943 that the surplus for the year amounted to over £19,000 despite very heavy expenditure, including a transfer of £500,000 to the Warlike Contingency Fund, in excess of the provision included in the approved Estimates for 1943. During 1943 the actual revenue collected exceeded the amount shown in the approved 1943 Estimates by no less than £1,952,790, and the actual expenditure, including the transfer of £500,000 to the Wartime Contingency Fund, exceeded the amount authorized in the approved 1943 Estimates by £1,915,780. The revised estimate of the revenue expected to be collected in 1944 exceeds the amount shown in the 1944 approved Estimates by over one and three quarter million pounds, while the revised estimate of expenditure for 1944 is expected to exceed the printed 1944 Estimates by a similar, but slightly smaller, amount. Both Revenue and Expenditure in 1944 are expected to exceed actual Revenue and Expenditure in 1943, and expenditure in 1944 includes some £800,000 for Reduction in the cost of Imported Foodstuffs, a type of expenditure which will not be necessary in 1945 to anything like the same extent.

The draft Estimates for 1945 show large increases over the 1944 Estimates, both in regard to revenue and expenditure. The reasons for these increases will be fully explained by the Financial Secretary in his Budget speech, and I wish to make only a few observations at this stage. Firstly the Estimates have been framed as far as possible to cover all expenditure which in the light of actual expenditure during recent war years it is reasonable to expect will be incurred in 1945, and should therefore give a truer picture of the financial position and prospects of the Colony than has been possible in recent draft Estimates. Secondly it has proved necessary, in consequence of the increased costs of materials and labour, to make substantial additional provision in respect of many departments for routine recurrent services, while additional provision has been necessary in the case of other de-

partments owing to the expansion of very desirable activities which have hitherto performed better than to a large extent by wartime conditions. In particular, I refer to the Estimates of the Education Department; the draft recurrent estimate for 1945 show an increase of £82,727 over the 1944 provision, while the draft non-recurrent estimates budget for an increase of £65,813. A substantial part of the increase in the recurrent estimates is accounted for by the expansion of accommodation and staff which is necessary to cope with the great increase in the number of children of all races attending schools in the Colony—a matter to which I have already referred. The second factor is the expansion of the Department's activities which is being carried out in consequence of the approval given to the scheme put forward by this Government to the Secretary of State for assistance from the Colonial Development and Welfare Vote for the education of women and girls. Another department which has budgeted for a substantial increase in expenditure is the Forest Department. Almost the whole of the increase is directly or indirectly connected with replanting, fire protection, and development, and £15,000 of it will be reimbursed from the Forest Planting and Development Fund.

A new proposal which is worthy of special mention is contained in the Estimates of the Medical Department where provision has been made for the establishment of a new school medical inspection service.

Under Public Works Extraordinary provision was made in the 1944 Estimates for the expenditure of £426,955 and during 1944 Special Warrants amounting to £398,632 have been signed making a total authorized expenditure under this Head in 1944 of £825,587. All of this will not be spent, however, partly because of the difficulty of obtaining staff and materials. The provision under Public Works Extraordinary in the 1945 draft Estimates is £629,755 and covers a comprehensive programme of work on buildings, water supplies, roads, et cetera. £115,380 of this amount is subject to reimbursement from funds provided under the Colonial Development and Welfare Act. It may not be possible to proceed with all the works shown in the draft Estimates unless the supplies of certain

(H.E. the Acting Governor) types of materials increase, and it is proposed generally to undertake only such works as are of an urgent nature or the start of which will materially assist in the implementation of development plans.

As regards revenue prospects in 1945 the estimate of £6,206,390 is some £415,000 less than the revised estimate of revenue for 1944. The difference is largely accounted for by a reduction of £350,000 in the estimate for Customs Duties which it has been considered prudent to allow for. In the case of other items of revenue it is estimated that 1945 collections will approximate closely to those of 1944.

On the basis of these estimates a surplus of some £70,000 is expected on the year's working.

During this session honourable members will be asked to consider a number of Bills, the most important of them being:—

- A Bill providing for the establishment of National Parks in the Colony. This measure was drafted at the instance of the Game Policy Committee and seeks to give effect to the International Convention for the Protection of Fauna and Flora which was ratified by His Majesty's Government in the United Kingdom in the year 1933.
- A Bill to provide for the compulsory insurance, by users of motor vehicles, against Third Party risks. Legislation of this nature, I think everyone will agree, is very necessary.
- A Bill which seeks to enable the Attorney General to bring up to date and revise any Ordinance in force in the Colony. As honourable members are aware, the last revision of our Ordinances goes back to the first of January, 1924. Since that date some Ordinances have been amended on so many occasions that they are now difficult to follow. While it is impracticable, during the present emergency, to embark upon a general revision it is considered that, for the convenience of the public, certain Ordinances in general use should now be revised and brought up to date.

It is also hoped that it will be possible, during the present Session, to introduce a Bill—for an up-to-date and comprehensive Co-Operative Societies Ordinance—and also a Bill which has as its object the controlling of Life Assurance among natives.

Honourable members, we have a heavy Session ahead of us, and beyond that a strenuous year before we meet here to consider the 1946 Budget. 1944 has been a year of preparatory planning; co-ordinative planning will be required in 1945 and much hard work in addition—from all races in the Colony. Now that the end of the war in Europe is in sight we are inclined to look forward to some relief from the relentless pressure of the last few years, to some relaxation of effort. We must remember, however, that the war against Japan is also still to be won, that the production of our high priority crops must still be maintained, and that if we are really going to implement our oft-expressed desires and intentions to further the progress of this country and promote the welfare and interests of the peoples within it, we must all continue to pull our full weight. It is not improbable that the manpower position will show little improvement after the war in Europe is over; in fact my own view is that it may well deteriorate still further for some time. Government departments, business firms, farmers, will not be able to obtain at once all the men they require. The psychological effect of the end of the war in Europe will become apparent. Sick men and tired men will require a spell of leave. I suggest that we should make up our minds now to fight against the psychological reaction which is sure to come, and to keep ourselves braced up for the tasks that lie ahead—tasks that will demand all our determination and all our energy if we are to ensure that this country shall get off to a good start in the post-war period. This will be the duty of all of us—unofficials and officials alike—of all races, and I am confident that if the spirit of co-operation and resolution which has achieved so much in Kenya during the past five years is maintained in the difficult post-war years, this country will be able to progress to that splendid future for which we are all working.

Honourable members, in opening this Session of Council I earnestly trust that,

[H.E. the Acting Governor] with the blessing of Almighty God, its deliberations may lead towards the promotion of the prosperity and welfare of this Colony and Protectorate.

MINUTES

The minutes of the meeting of 11th October, 1944, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE ACTING CHIEF SECRETARY (MR. SURREIDGE):

Colonial Audit Department Report for 1942 with Kenya Dispatch No. 129 of 20th July, 1944, annual abstract of accounts for Kenya, 1942, with Kenya telegram No. 450 of 16th October, 1944. Report on audit of accounts, K.U.R. & H., for 1943, with Transport Dispatch No. 54 of 30th September, 1944. Forest Department Annual Report, 1943. Mining and Geology Department Annual Report, 1943. Kenya Police Annual Report, 1943. Registrar General's Department Annual Report, 1943. Transport Licensing Board Annual Report, 1943. Report of committee appointed to prepare estimates of capital improvements necessary to bring district council roads up to a reasonable post war standard. Kenya Savings Bank account of deposits and withdrawals, 1943. Posts and Telegraphs Department abridged Annual Report, 1943.

BY THE FINANCIAL SECRETARY (MR. TESTER):

Draft Estimates of Revenue and Expenditure for 1945, with Memorandum thereon. Schedules of Additional Provision Nos. 6 of 1943, and 2 and 3 of 1944, Financial Report and Statement, 1943.

BY THE ACTING DIRECTOR OF MEDICAL SERVICES (DR. JOHNSTONE):
Medical Department—Annual Report, 1943.

BY THE DIRECTOR OF EDUCATION (MR. FOSTER):
Education Department Annual Report, 1943.

BY THE DIRECTOR OF PUBLIC WORKS (MR. STROGAN):
Public Works Department Annual Report, 1943.

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

Return of land grants April–June, 1944, Annual Report of Commissioner for Local Government, 1943, Lands and Settlement Department Annual Report, 1943.

BY MR. DAUNLEY (DIRECTOR OF VETERINARY SERVICES):

Veterinary Department Annual Report, 1943.

BILLS

On the motion of the Attorney General (Mr. Foster Sutton) the following Bills were read a first time: Expulsion from Proclaimed Areas (Amendment) Bill, Soldiers (Exemption from Civil Process) (Amendment) Bill, Land and Agricultural Bank (Amendment) Bill, King's African Rifles (Amendment) Bill, Juveniles (Amendment) Bill, Military Units (Amendment) Bill, Supplementary Appropriation Bill, and notice given to move the subsequent readings at a later stage of the session.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 15th November, 1944.

Wednesday, 15th November, 1944

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 15th November, 1944, His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to G. P. Willoughby, Esq., Engineer-in-Chief, Posts and Telegraphs Department.

MINUTES

The minutes of the meeting of 14th November, 1944, were confirmed.

PAPERS LAID

The following papers were laid on the table by the General Manager, K.U.R. and H. (Mr. Robins):—

Report of General Manager on the Administration of the Railways and Harbours, 1943, 2nd Supplementary Estimates, 1943, 1st Supplementary Estimates, 1944, Estimates of Revenue and Expenditure for 1945.

ORAL ANSWERS TO QUESTIONS

NO. 58—NATIVE CIVIL HOSPITAL, MOMBASA

MR. PATEL (on behalf of Mr. Paroo, Eastern Area, absent):

Is Government aware that no arrangements exist at present at the Native Civil Hospital, Mombasa, for emergency cases requiring immediate or urgent medical attention? If the reply is in the affirmative, will Government state whether they intend to post in the near future a house surgeon or a medical officer who can be so available in the hospital at all times in a case of emergency so as to remove what is unquestionably a great disability experienced by the Mombasa public?

DR. JOHNSTONE: It is not the case that arrangements do not exist at present at the Native Civil Hospital, Mombasa, for emergency cases. A Medical Officer is always on call and is summoned by telephone when his services are required.

The Government agrees that it would be preferable for a doctor to be resident on the hospital premises but that is not

practicable at present. It is, however, intended to incorporate quarters for a resident doctor in the plans for the new hospital which is projected for Mombasa.

NO. 61—TRANSPORT POLICY

MR. COULDBERY (Nyeri):

Will Government give an answer to the supplementary question arising out of Question No. 103 of 1943?

MR. TROUGHTON (Economic and Development Secretary): 1. An affirmative reply was given to the supplementary question asked by the hon. member.

2. I assume, however, that he wishes to know whether this Government has any communication to make to the Council regarding the results of the approach made to the other East African Governments. The position is that inter-territorial road policy has been discussed by the Directors of Public Works in conference, that future railway development has been the subject of a report by the General Managers of the Kenya and Uganda Railways and the Tanganyika Railways, and that proposals for local feeder air services have been agreed in principle by each of the East African Governments.

The question of the appointment of an inter-territorial committee to consider the whole matter in the light of the reports submitted is at present under examination.

NO. 63—BOOKS FOR AFRICANS

REV. L. J. BEECHER (Native Interests):

(a) Is Government aware of the fact that, in order to meet the needs of African readers, both civilian and military, some 500,000 books are needed from Great Britain and a further 250,000 from local sources?

(b) In view of the very considerable importance which is attached to the provision of adequate reading material for the very rapidly growing mass of literate Africans, and in order to facilitate the implementation of the "Mass Education Report" as soon as possible, will Government please approach the Colonial Office with a view to affording some measure of relief of the restrictions which at present limit the publishers' interest in books for Africans, taking steps to secure the highest possible priorities

[Mr. Beecher]

for the printing and binding of such books in Great Britain for dispatch to this country, and for the supply of materials for local production?

MR. FOSTER: (a) The Government is aware that, in order to meet the needs of African readers, very large increases in the supply of publications of various types will be required. It is assumed that the numbers given by the Hon. and Reverend member are in the nature of estimates.

(b) This question has been the subject of consideration by the Directors of Education of the East African territories, particularly at their Conference held in Nairobi in September this year and thereafter at a joint meeting with the Principal Information Officer and other interested persons. The Government does not consider that the time is yet opportune for an appeal to the Secretary of State on the lines suggested, since the restrictions to which he refers have been imposed upon the publishing trade in the United Kingdom in the interests of the war effort, and also since the development programmes, including literacy campaigns and other aspects of mass education for which such literature would be required, have not as yet been precisely defined. Nevertheless, if the hon. and Reverend member will indicate any specific difficulties which have come to his notice, the Government will make representations on the matter to the Secretary of State without delay.

NO. 64—INDIAN TEACHERS TRAINING CLASSES

MR. PATEL (on behalf of Mr. Patroo):

In view of the shortage of trained teaching staff in the Colony, particularly female teachers, will the Government consider the feasibility of opening in Mombasa, at an early date, an Indian teacher training class for girls similar to the one conducted in Nairobi?

MR. FOSTER: Owing to the shortage of staff capable of taking charge of teacher training classes it will not be practicable in 1945 to conduct more than one such class for Indian students. It appears probable that the majority of the candidates for such a class will be resident in Nairobi and arrangements are therefore being made to open a new

class in Nairobi if the general staff position at the beginning of 1945 will allow of this being done.

The hon. member is no doubt aware that proposals for the establishment of a Teacher Training College in Nairobi for Indian girls have been approved and funds are being provided under the Colonial Development and Welfare Act.

SCHEDULES OF ADDITIONAL PROVISION

REFERRED TO STANDING FINANCE COMMITTEE.

MR. TESTER: Your Excellency, I beg to move that Schedules of Additional Provision Nos. 6 of 1943 and 2 and 3 of 1944 be referred to the Standing Finance Committee.

MR. FOSTER SUTTON seconded.

The question was put and carried.

INTERIM PENSION

MR. RAMFAN ALI

MR. TESTER: Your Excellency, I beg to move: That this Council approves the payment until further notice of a provisional interim pension at the rate of £22-17-7d. a year with effect from the 19th August, 1944, inclusive, to Mr. Ramfan Ali, Clerk Grade II, Posts and Telegraph Department, in respect of his service from the 1st January, 1934, to the 18th August, 1944, both days inclusive, in lieu of his own and Government contributions to the Provident Fund plus the interest thereon amounting to £133-11-2d.

Hon. members will be aware that the grant of these interim pensions has been established by a number of precedents, and the reason why they are interim and provisional is that the Government awaits a report from the Asian Civil Servants Association in which, no doubt, reference will be made to the pensionable status of Asian clerks.

MR. TROUGHTON seconded.

The question was put and carried.

EX GRATIA PAYMENT

TO DEPENDANTS OF DECEASED CHIEF
MR. TESTER: Your Excellency, I beg to move: That this Council approves, as an act of grace, the payment of the sum of Sh. 126/5/2 to the dependants of the late Shivaaji Meheso, Chief Kakamega, of the Provincial Administration.

[Mr. Tester]

(who died while in the Service), representing the gratuity in respect of his meritorious service for the period from the 31st December, 1937, to the 14th June, 1943.

In moving this motion, I should like to remind hon. members that this old Chief retired in the first place in 1923 and was then granted a gratuity. He was recalled to the Service in 1937, and it is in respect of this short later period that this small gratuity relates. In the ordinary course of events, if he had retired for a second time he would have got this gratuity, but unfortunately he died and it is thought to be right and proper that his dependants should get the sum.

MR. FOSTER SUTTON seconded.

The question was put and carried.

EXPULSION FROM PROCLAIMED AREAS (AMENDMENT) BILL.

SECOND READING

MR. FOSTER SUTTON: Your Excellency, I beg to move that the Expulsion from Proclaimed Areas (Amendment) Bill be read a second time.

In moving the second reading of this bill, it might assist consideration of it if I very briefly outline the position under the Principal Ordinance—the Expulsion from Proclaimed Areas Ordinance, 1935—which this bill seeks to amend. Under the ordinance the Governor is given power to declare any area in the Colony a proclaimed area. Its enactment was motivated by the mining interests in the Colony because it had been found, in the light of experience, that certain undesirable persons frequented mining areas, and it was felt that some power should be taken to expel them if they proved to be undesirable and a nuisance in that particular area. The ordinance, in addition to enabling the Governor to proclaim an area—which is done by proclamation in the Gazette—enables the Governor to appoint a board to administer the ordinance in each proclaimed area, and under section 5 of the principal ordinance the District Commissioner may act on his own initiative, or if representations are made to him in respect of any undesirable person in his particular area. If he considers the evidence against a person sufficiently strong, he is required under section 5 to

notify the person concerned, informing him that he should appear before the board and giving him an outline of the complaint that has been preferred against him. The person, after receiving the notification, may attend in person and conduct his own case before the board. If the board feel that a case has been made out against the person complained of, they are empowered to make an order expelling him from the area for such time as they think proper.

The same section gives the person against whom the order is made the right of appeal, in writing, to the Governor in Council, and the period within which the appeal has to be made is limited to seven days. I think hon. members will agree that that is a very short space of time to allow. The powers conferred by the ordinance are extremely wide and they may considerably affect the liberty of the subject. In the light of experience, it was found that the ordinance was capable of working hardship on individuals, and representations were made to Government as a result of which Government appointed a small committee to go into the matter. The committee made certain recommendations for amending the principal ordinance. The recommendations are minor ones, but they have a substantial effect in relation to individuals who are dealt with under the provisions of the law. The bill now before this Council seeks to enable a person against whom an order may be made to appear either in person or by an advocate. It was considered fairer to give the person whose right to live in an area might be in jeopardy the right to appear, if he so wished, by an advocate, and the second portion, paragraph (b) of clause 2 of the bill, seeks to extend the time within which a person, against whom an order has been made, is permitted to appeal from seven days to thirty days. I think the justice of this amendment is obvious because very often the person against whom the board is acting is an ignorant one and it is necessary for him to seek advice in order to enable him to properly prepare his appeal to the Governor in Council.

Those are the objects of this bill, and I do not think anything else can be fully added.

MR. DENNISON seconded.

The question was put and carried.

SOLDIERS (EXEMPTION FROM CIVIL PROCESS) (AMENDMENT) BILL

MR. FOSTER SUTTON: Your Excellency, I beg to move that the Soldiers (Exemption from Civil Process) (Amendment) Bill be read a second time.

This is a very short and, I feel quite certain, uncontroversial measure. The Bill seeks to amend the Soldiers (Exemption from Civil Process) Ordinance, 1940. One of the objects of that ordinance was to exempt the pay of any soldier serving in any of the local units mentioned in the schedule to the principal ordinance from any civil process in respect of any civil liability or debt; but it did not go very far because it only exempted a soldier's pay from any civil process if the debt or liability was incurred before the six years next immediately preceding his enlistment. That gave him little or no protection. Under the Army Act—and I think the reasons for it are obvious—the pay not only of soldiers but of officers as well, of all United Kingdom troops are exempt from civil process. Here you would have had to incur the debt a very long time before enlisting to gain any benefit from the original ordinance. This bill seeks to put local troops in exactly the same position as their comrades serving side by side with them, in the United Kingdom forces.

MR. DENNISON seconded.

The question was put and carried.

LAND AND AGRICULTURAL BANK (AMENDMENT) BILL

SECOND READING

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

I tremble to think how many times this ordinance has been amended—I think it is in the vicinity of 12 or 13 times! The amendments now before the Council, all except one, do not involve any real matters of policy; they are amendments which are designed to facilitate the working of the ordinance. Clause 2 of the Bill seeks to amend subsection (2) of section 4 of the principal ordinance by substituting a new subsection (2). I do not think I need explain that in any detail; it is merely done in the interests of clarity. Under the exist-

ing clause it is difficult to know how the members retire, and this is an endeavour to make the matter abundantly clear. Clause 3 seeks to add a new sub-section, to be numbered 7 (A). At present there is no pension scheme and no provident fund scheme for officers of the Bank. The necessity for such provision has been felt for a considerable time. The matter has been considered by all the parties concerned—the Bank and the Government—and it was considered, in the light of representations which have been made, that it was just to make some provision for a provident fund scheme for officers of the Bank, and this clause seeks to enable a scheme to be established. The clause confers power on the board, subject to the approval of the Governor in Council, to establish, control, manage, maintain and contribute to a provident fund for its officers.

Clause 4 is merely a verbal amendment. Clause 5 seeks to re-insert a section in the principal ordinance which was repealed by inadvertence some considerable time ago. At the present time members of the Board have to travel and there is no legal sanction for the payment of any travelling allowance. Originally there was such sanction and, as I say, it was repealed by inadvertence, and clause 5 is merely an endeavour to re-insert a clause which was originally in the ordinance. I do not think I need refer to clauses 6, 7, 8 or 9. Clause 10 is another endeavour to make an existing clause clearer. It seeks to insert the word "and" to make it perfectly clear that the Board has power to make advances to co-operative societies for any of the objects which any society is legally competent to pursue. I think the word "and" was left out in the original ordinance through inadvertence. There is another slight amendment in clause 4 to which I might refer. At the present time all the legal documents of the Bank are required to be signed by the chairman and a member of the Board. Clause 4 seeks to introduce a little more flexibility by enabling any legal document which has to be made on behalf of the Bank to be effected, in the absence of the chairman, by two members of the Board of the Bank.

As regards clause 14, if the bill which Your Excellency referred to in your opening remarks addressed to this Council yesterday—the bill enabling any

[Mr. Foster Sutton]

ordinance to be revised—is passed by this Council, this clause really will become redundant. It was inserted before the other bill was drafted and I think the new bill which is coming before Council will enable a better job of work to be done.

MR. TUNTER seconded.

MR. VINCENT (Nairobi South): Your Excellency, in supporting this bill we would like to have an assurance from Government that they recognize that the question of the costs of operating the Land Bank have no relation to the rate of interest which may be subsequently fixed, that the rate of interest is a matter completely of policy and is entirely divorced from the costs of running the Bank, which in any case would have to be related, if that were so, to the volume passing through it. We would like to have an assurance that the additional costs occasioned by this bill will in no way affect negotiations which may be pending or likely to take place in respect of the rate of interest under the ordinance.

MR. WATKINS (Kiambu): Your Excellency, there is one point, while you are amending this bill, which seems to me most unfair. When we have our farms valued for a Land Bank advance, we have to pay the full cost of the valuation and we are not allowed to know what that valuation is; that is hidden from us. I do not know whether that could be brought into any of these amendments, but I should very much like to know if it could be. It seems iniquitous that members of the public should have to pay for something and not be allowed to know the result.

MR. BEECHER: Your Excellency, there has been in the past some misunderstanding about the racial applicability of the principal ordinance and, presumably, of any amendment to it. With your permission, in an attempt to clear up that misunderstanding I should like to refer to page 963 of the 1933 Hansard. My venerable predecessor in this office had asked a question in this Council in order to determine whether the principal ordinance had any applicability to the Africans in this country, and had asked "whether the funds of the Agricultural Land Bank are available for Africans?". I should like to quote very briefly from the reply,

which stated: "Under section 26 of the ordinance, advances for any of the purposes defined in section 19 of the ordinance may be made to natives, but no such advance is to be made without the consent of the local native council concerned if the applicant for such advance is a farmer within a native reserve. Such advances are to be made on such security as the board, with the consent of the Governor in Council, may from time to time determine." Therefore, in supporting this amending bill, I should like these facts to be borne in mind and again placed on record, because although as far as I am aware no such advance has yet been made to Africans, changes in African farming methods, more particularly along co-operative lines—to which incidental reference was made by the hon. and learned Attorney General—may necessitate application to the Bank for such advances.

MR. FOSTER SUTTON: Sir, I think I can give the assurance that the introduction of a provident fund scheme will in no way affect the question of the interest to be charged to borrowers from the Bank. It was never intended or envisaged that it should have any such effect. As regards the point raised about the Bank concealing any valuation which is made, I would ask for time in which to consider the point, because there may be some good reasons for it. At first blush, it is admittedly difficult to see why they do, for if a person pays for a valuation presumably he is entitled to know what has been done. Again, presumably the Bank have to find out how much they can safely lend on a property, and therefore the valuation is for the information of the Bank rather than the person borrowing. There may be some reason, I do not know what it is, and probably the hon. Member for Kiambu would give me time to find out. If there is no real objection, I can assure her that no obstacle will be placed in the way of the person who pays for the valuation from seeing it. The point raised by the hon. member representing Native interests is one that rather surprised me, because I feel sure that nobody is under any misapprehension about the position. There is there and any person living in this Colony is eligible to make application to the Board for a loan from the Bank. If there is any misapprehension, I think it should be dissipated by me

[Mr. Foster Sutton] making this statement now, that it is intended for persons of all classes and every race.

The question was put and carried.

KING'S AFRICAN RIFLES (AMENDMENT) BILL

SECOND READING

MR. DENNISON (Acting Solicitor General): Your Excellency, I beg to move that the King's African Rifles (Amendment) Bill be read a second time.

The principal intention of this short bill is to bring the King's African Rifles Ordinance of 1932 into line with the Army Act in certain respects. Under sections 13 and 15 of the 1932 ordinance any person who is a member of the King's African Rifles who procures or attempts to procure or to assist any person to desert from the K.A.R. is guilty of an offence under the ordinance, but if the same person procures or attempts to procure or assists any person to desert from another unit, such as the Pioneers, he is not guilty of an offence under the principal ordinance. Clauses 2 and 3 of this bill are intended to remedy this defect. Clause 4 follows an amendment made to the Army Act in 1940 in England, and paragraph (b) is intended to make it quite clear that a court martial cannot award to a person a heavier punishment for a civil offence than could be awarded if that person were tried by the civil courts of the Colony. Clause 5 embodies in the principal ordinance sections 9 and 10 of the amending ordinance of 1943, which it is hoped will make for easier reference. I may say that this has been done in the Tanganyika King's African Rifles Ordinance. Clause 6 of the bill is, purely with one exception, a matter of applying Part 2 of the ordinance, the disciplinary provisions to warrant officers. Hitherto those provisions have applied to N.C.O.s but not to W.O.s.

MR. FOSTER SUTTON seconded.

The question was put and carried.

JUVENILES (AMENDMENT) BILL

SECOND READING

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

The intention of this bill is particularly to clear up any doubt as to the meaning of section 16 of the principal ordinance. This section has been the subject of much judicial discussion in the Colony, and the Supreme Court has apparently had difficulty in interpreting it on account of the word "or" which appears at the end of paragraphs (a) to (4) inclusive of sub-section (1). An example of the difficulty is this. Two judges of the Supreme Court sitting in appellate jurisdiction decided that a young person convicted of assault under section 245 of the Penal Code could only be dealt with in one of the ways set out in section 16 (1) of the principal ordinance. But section 245 of the Penal Code permits two punishments to be awarded, imprisonment and corporal punishment. Later, two other judges of the Supreme Court, sitting I think in their revisionary jurisdiction, decided to the contrary, and said that whereas section 245 of the Penal Code specifically permitted two punishments to be awarded to any person, that provision was void to the extent of its provisions of section 16 of the Juveniles Ordinance. As a matter of interest, the law officers of the Crown agreed with this later decision, but to put the matter beyond any doubt this bill is before Council, and clause 2 of the bill deletes the contentious word "or" where it occurs at the end of paragraphs (a) to (4) inclusive of section 16 (1), and a new proviso is added: "Nothing in this section contained shall be construed as in any way restricting the power of the court to pass any sentence or combination of sentences which it is empowered to pass under this or any other ordinance for the time being in force." That will make the matter clear. There is a proviso, "that no court shall order an offender to be whipped in addition to directing that he be sent to an approved school". I understand that the intention is that any person sentenced to an approved school will start there in such a manner as to be able to sit in his class room and pay undivided attention to his teacher!

MR. FOSTER SUTTON seconded.

MR. BEECHER: Your Excellency, I regret very much that I have to oppose this measure, and that for two reasons. First, as a protest in order to call attention to the almost complete lack of the

[Mr. Beecher]

work which is much needed to be done in order to make provision for juvenile welfare in this Colony in any way commensurate with the needs. The matter is doubtless under "active consideration", but those of us who are intimately concerned with juvenile welfare get a little tired of talk, more talk, and yet more talk and no action being taken. We have had before us the Colonial Office Report No. 504-dated the 31st October, 1942, and further, this Council last year, having received the Probation of Offenders Report, passed the Probation of Offenders Bill, and we still have heard of no appointments being made under its provisions. I submit that there is urgent need for action to be taken in order to make provision for juvenile welfare in this Colony for all races. This is a matter affecting all races. Between the various races in this country when juvenile delinquency is concerned no racial antagonism exists, and we are in danger of seeing the establishment of gangs of socially maladjusted persons of mixed racial extraction which will do this country very considerable harm. It is, perhaps, an injudicious thing to make comparisons with other countries, but it is interesting to note that in South Africa in one town alone some £50,000 have recently been made available for the establishment of technical schools and the like for such persons.

My second reason for opposing this bill is that as a layman and, if I may so describe myself, as one of the lesser breeds without the law, the provisions seem entirely unnecessary and redundant, because although I doubt the value of case-hardening young delinquents by administering corporal punishment as well as imprisonment, sub-section (e) of section 16 (1) of the principal ordinance provides for "dealing with the case in any other manner in which it may legally be dealt with", and if under section 245 of the Penal Code it is legal to award both punishments, the purpose which is in the minds of the law officers of the Crown would already seem to have been covered.

MR. COOKE (Coast): Your Excellency, I should like to support what has been said by the hon. member. It seems to me that the good old maxim that prevention is better than cure applies very much in

this particular instance. It is interesting to learn that South Africa is again ahead of us in the question of the care of natives, because there has been quite a manifestation of that in recent years in South Africa. I know the reply will be that during the war probation officers are not so plentiful, but I do submit that there must be a number of invalided and possibly badly wounded officers who might carry on with the job as an interim measure, and I do not think I am disclosing any secret when I say I know the Commissioner of Prisons is himself very anxious that probation officers should be supplied as soon as possible.

MR. FOSTER SUTTON: Sir, I do not think the members on the other side of this Council are alone in the feeling that something should be done if at all humanly possible in connexion with putting into effect the probation of offenders legislation. I entirely agree with what has been said that it has been found in the light of experience that prevention is far better than cure, because in the attempted cure you so frequently turn out what in legal parlance are referred to as habitual criminals. I believe an undertaking has been given year after year in this Council, and although I say this with a good deal of diffidence, the Government will explore the position and make every effort to do something not only to actively consider but to put into effect the active consideration. There are difficulties regarding staff, and I am sure hon. members appreciate the fact that it will not be an easy matter, but the matter will be fully explored and everything possible will be done.

MR. DENNISON: Your Excellency, there is one small point that I must reply to, the point made by the hon. member Mr. Beecher with regard to paragraph 1 of section 16 (1). Nobody could agree with him more than I do, but the point was argued before two judges of the Supreme Court (laughter) who disagreed with both of us. We are not entirely in bad company because two other judges have agreed with our view, and that is the reason for this amendment.

HIS EXCELLENCY: Since it may not be within the knowledge of any official member what has been done about the juvenile Welfare Report to which the hon. member Mr. Beecher referred, perhaps it would be appropriate for me to

[H.E. the Acting Governor] say that I myself have spent hours in the study of that report, that it has been considered in great detail by the Native Welfare Committee, and that we have sent a comprehensive reply on that report to the Colonial Office. The exact position regarding action on the report at the present time I am not able to say, but I will refresh my memory by reference to the papers at an early date. As regards probation officers, the position is as stated. The Commissioner of Prisons, I know, very anxious to obtain a suitable officer; I have discussed the matter myself with him on several occasions, and an officer who he thought might be obtained for this purpose was in the end not obtainable. If either the hon. Member for Native Interests or the hon. Member for the Coast can suggest to the Government the name of a suitable officer who is available at the present time, I am sure we shall all owe them a very deep debt of gratitude (Laughter.)

The question was put and carried.

MILITARY UNITS (AMENDMENT) BILL

SECOND READING

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

Under section 11 of the principal Bill, the disciplinary provisions of the Army Act apply to all members of military units, but when soldiers and followers are on active service there are certain modifications. The object of this bill is that these modifications shall apply only to those members who fall within the definition of "non-European" contained in clause 2 of the bill; and it is by virtue of clause 2 and clause 3 (b) that we seek to carry out that intention. The other amendments are of a minor nature. Paragraphs (a), (c), and (d) of clause 3 rectify omissions and errors in the original ordinance, and clause 4 seeks to permit of a gratuity being paid where a member of a unit has been awarded a medal for long service and good conduct and is discharged. In the committee stage my intention is to move an amendment to this particular clause.

MR. FOSTER SUTTON seconded.

MR. NIENO (Mombasa): Your Excellency, we are not quite happy about the

definition of non-European in this bill, and perhaps it would be as well to try and clear that up. The definition at the moment reads: "Non-European" means any person (other than an Arab) who is a member of an indigenous African tribe or community, and shall include an Abyssinian (Amhara, Tigre and Shoa), a Somali, a Baluchi born in Africa, a Malagasy, a Comoto Islander and any one of the people known as Swahili." I want to know in which of these particular categories come the Twelve Tribes of Mombasa. I think my hon. friend Sheriff Abdulla Salih will agree that they claim to be Arab, but on the other hand can they not claim to be an indigenous African community? We ought to have this cleared up, otherwise learned Judges might again disagree.

MR. SHERIFF ABDULLA SALIM (Arab Community): Your Excellency, I am sorry that I am not able to give an answer to that! (Laughter.)

MR. FOSTER SUTTON: Sir, as I was responsible for this clause, I should like to say that I do not like it any more than the hon. member, but it was placed in a dilemma. Certain people object to being called natives, and in an effort to get over that and satisfy very strong objections that exist and to satisfy everyone, after a considerable amount of thought, I inserted the word "non-European" in the hope that it might meet the position. It is not very suitable, and I do not like it. I would rather say "a native means so and so," which is the logical way of doing it. If the hon. member can think of a better word, I shall be only too grateful to accept it. (Laughter.) I spent a considerable period in thinking it out, and consulted all my colleagues to see if they could think of a better word, and none of them could. If anybody here can, I shall be obliged, and in the committee stage we could amend the clause. The whole point is that there are certain races that object to being called natives; they object to that being perpetuated in law, and this was an effort to satisfy the feelings of the people concerned.

MR. SHAMSUD-DEEN (Central Area): Your Excellency, the definition of the word "non-European" ignores completely a resident population in Kenya known as Indians, who also exist on this earth. (Laughter.)

HIS EXCELLENCY: If the hon. Attorney General thinks it would serve a useful purpose to give further consideration to this matter in consultation with the hon. Member for Mombasa and perhaps one or two other hon. members, we might perhaps adjourn the debate on this bill at this stage?

MR. FOSTER SUTTON: I shall be only too happy to do so, because I think that if more minds are brought to bear on the problem we may evolve a better word. But I cannot think of one!

HIS EXCELLENCY: I do not think it is worth appointing a select committee? (Laughter.) We might therefore adjourn the debate on this bill at this stage.

The debate was adjourned.

BILLS

IN COMMITTEE

MR. FOSTER SUTTON moved that Council resolve itself into committee of the whole Council to consider the following Bills clause by clause:—The Expulsion from Proclaimed Areas (Amendment) Bill, the Soldiers (Exemption from Civil Progress) (Amendment) Bill, the Land and Agricultural Bank (Amendment) Bill, the King's African Rifles (Amendment) Bill, the Juveniles (Amendment) Bill.

MR. DENNISON seconded.

The question was put and carried.

Council went into committee.

The Bills were considered clause by clause.

MR. FOSTER SUTTON moved that the Bills be reported without amendment.

Council resumed, and His Excellency reported accordingly.

THIRD READINGS

MR. FOSTER SUTTON moved that each of the five Bills be read the third time and passed.

MR. DENNISON seconded.

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

ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 21st November, 1944.

Tuesday, 21st November, 1944

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 21st November, 1944. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 15th November, 1944, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By MR. SURIDGE:

Standing Finance Committee Report on Schedules of Additional Provision Nos. 6 of 1943 and 2 and 3 of 1944. Hospital Committee Report.

ORAL ANSWERS TO QUESTIONS

NO. 65—SUBSIDY TO COTTON GINNERIES

MR. PATEL (for Mr. Paroo, absent):

Will Government please state whether they intend paying any subsidy out of the cotton cess or other funds to such cotton ginneries in the Eastern Electoral Area as are situate in Lamu, Maxera and Kitui, which are unable to obtain cotton for ginning purposes to the required economic level of running them due to lack of interest shown and incentive given by the Government for the production of cotton crop?

MR. TESTER: It is not intended to pay any subsidy out of the cotton cess fund (or "Cotton Sales Proceeds Account") to give the correct (i.e. the existing fund) to cotton ginneries.

The question of adjusting the price payable for ginning in respect of ginneries which have handled less than 800 bales during the 1943/44 season is under consideration by the Government.

NO. 66—ARMY SALVAGE FOR AFRICAN TRADERS

MR. BEECHER:

Will Government please make representations to the Army Authorities in order to secure that a certain quantity of army salvage which could be beneficially used in the development of life

[Mr. Beecher]

in the African reserves finds its way into the hands of African traders as directly and as cheaply as possible?

MR. TENSER: The answer is in the affirmative.

NO. 67—IMPORTED GOODS FOR AFRICAN TRADERS

MR. BEECHER:

Will Government please take steps to secure that trade goods which have recently been in freer supply in European and Asian shops are also made available as directly as possible from the importers to African shopkeepers in various parts of the country?

MR. TENSER: The Chief Distribution Officer is at present in touch with the Kenya African Traders and Farmers Association with the object of making arrangements to ensure that African shopkeepers in certain areas obtain supplies of imported goods. As soon as an accurate list of African shopkeepers has been compiled, appropriate distribution arrangements will be put in hand.

DRAFT ESTIMATES, 1945

REFERENCE TO STANDING FINANCE COMMITTEE

MR. TENSER: Your Excellency, I beg to move: That the draft Estimates of Revenue and Expenditure for 1945 be referred to the Standing Finance Committee.

It will perhaps be convenient before I turn to the draft Estimates for 1945, if I comment on the financial and budgetary position in regard to the 1944 Estimates, which themselves are affected by the outcome of the 1943 Estimates. In 1943 we achieved an excess of Revenue over the amount inserted in the Estimates of almost £2,000,000. Customs and Excise furnished some £850,000 of the excess. Income Tax some £400,000. Sale of Stamps £100,000, and indeed almost without exception, all items of Revenue contributed towards the excess result. Our expenditure in 1943 exceeded the Estimates by over £1,900,000, and this excess of expenditure included £500,000 for the War-time Contingency Fund and £225,000 to provide for a reduction in the selling price of imported cereals.

Hon. members will no doubt have studied the Financial Report for the year 1943, which sets out in detail how the actual financial working of the year differed from the 1943 Estimates, and will find confirmation of the hon. Member for Aberdare's quip that in wartime estimates are guessimates. Fortunately, our guesses have been on the conservative side, and we started 1944 in a sounder financial position than we expected when the Estimates for that year were framed.

As in 1943, so in 1944 Revenue will exceed the amount shown in the approved Estimates, and the amount of the excess in 1944 is estimated to be in the region of £1,750,000 or £800,000 in excess of actual Revenue receipts in 1943. The excess in 1944 over the actual 1943 figures is chiefly due to increased Customs receipts, which are expected to reach £2,350,000 or some £570,000 more than in 1943. As hon. members will appreciate, the collection of this large sum is not due to any increase in the rates of duty in 1944; it is due to the fact that the mastery of the seas rests with the navies of the United Nations and to what, in the circumstances of war, are generous allocations of shipping and supplies which the Ministries at home have been able to allow to us through the good offices of the Secretary of State for the Colonies. In spite of continuing difficulties in the matter of staff and the complications caused by rapidly changing situations in regard to supply, I think it is just to say, and I assume that hon. members will agree with me, that we also owe a great debt to our local voluntary Group Advisers and to the staffs of the various Kenya supply organizations whose concerted and co-ordinated efforts have been successful, in co-operation with the overseas authorities, in obtaining the imports from which we collect this substantial Revenue and, at the same time, from which we meet, I think, in war circumstances, the needs of the country in at least a reasonably satisfactory manner. Also as in 1943, so in 1944 Expenditure will exceed the amount provided in the approved Estimates, and the amount of the excess in 1944 is estimated, as in the case of Revenue, to be approximately £1,750,000 or £800,000 in excess of actual expenditure in 1943. The main differences between the 1943 actual and the 1944 revised estimated expenditure figure are an increase of

[Mr. Tester]

some £350,000 in 1944 over the 1943 figure for the item relating to the reduction in the cost of imported foodstuffs, an increase in expenditure on War Bonus, and an increase in expenditure by the Public Works Department on works as material and, in some cases, labour has gradually become available in increasing quantities.

The financial picture, therefore, as far as Revenue and Expenditure are concerned over the war period, and more particularly during last year and this, has been one of increasingly buoyant revenue, which has enabled us to meet, without a deficit, the normal recurrent costs of the Government, swollen as they have been by rising costs, an increased Military contribution and augmented Police Force, very heavy expenditure on civil services connected with the war, and on Boards and other organizations arising from the exigencies of war, including a subsidy in the region of £1,125,000 to effect a reduction in the sale price of foodstuffs. This subsidy, if I might be allowed to digress, has benefited directly particularly those Africans who have to buy their staple food and those employers who have to feed their African employees, but, indirectly, there is no doubt that all consumers have, in a greater or less degree, benefited substantially from the saving effect of the subsidy on the cost of services and locally processed supplies. In addition to the heavy expenditure more closely allied to the war to which I have referred, great efforts have been made, and considerable sums have been expended, to push forward, in so far as staff and material would allow, with work which under peacetime conditions are urgently necessary, I refer especially to housing for Government employees and others, and to road construction. It may surprise hon. members to learn that some £800,000, of which the War Department has furnished a little over £200,000, has been spent in Kenya on road construction since the outbreak of war.

In the meantime, a War-time Contingency Reserve of £800,000 has been built up, and some £300,000 will have been passed to the Forest Replanting and Development Fund by the end of 1944; we have lent £500,000 to His Majesty's Government for the duration of the war,

and we have built up the General Revenue Balance to a sum which I estimate will amount to £1,600,000 at the end of this year. The balance is a good £1,000,000 in excess of the amount the Colony usually had in the General Revenue Balance before the war and, in my opinion, it is none too large in the circumstances of this Colony to serve its primary purpose as a buffer pool to provide a source from which cash can be immediately found should a sudden slump or deficit occur, without having to resort to borrowed money, which concurrently may be expensive, as it was in the twenties of this century, and difficult to obtain. Before ending this recital of our funds and balances as they may be expected to be at the close of 1944, I should refer to the fund derived from the Excess Profits Tax, which is by then expected to reach some £1,750,000, either from the Commission of Income Tax and Inland Revenue, who is in the best position to give an estimate (which he stresses can by no means be taken to be a firm estimate), that as much as £750,000 of the tax may be repayable. If this estimate should prove correct we shall be left with £1,000,000 from the Fund at our disposal, either to vote to His Majesty's Government as a contribution towards the cost of the war or to use for local purposes.

A summary of our funds is therefore that we may expect to have at the end of 1944, £2,300,000 not specifically earmarked and £300,000 earmarked for the Forests, plus the General Revenue Balance of £1,600,000 which, as I have indicated, I think we should be very chary of diminishing by deliberate excess of expenditure over revenue.

The financial picture so far depicted is, I think, hon. members will agree, fairly rosy, but there is a grey side to it in that a bill for deferred maintenance requirements of buildings and for the equipment of institutions is piling up and owing also to wartime conditions, expenditure on development has inevitably been grossly inadequate. There is also a further side which those who fear that lack of revenue in the future will limit expenditure on objects which they consider desirable, may perhaps call grey and those who look forward to a decrease of revenue from taxation will, I have no doubt, call rosy. I refer to the

[Mr. Tesler] fact that we are not assured of the continuance for long of the present high rates of taxation and receipts from Customs, Excise, Income and Profits Tax. These rates are due for revision when the war comes to an end, but it appears unlikely that they will return to the 1939 level. A further point I wish to make is that it is quite possible that at some time, not too distant removed, owing to falling prices, the volume of receipts, apart from the effect of lower rates, may fall. I refer more especially to income tax and to *ad valorem* duties.

It is against this background that I turn to the chief business of the day, that is to introduce the 1945 Budget. I should like to say at once that it is not a sensational budget. It offers no alleviation of the heavy burden of taxation which has in the war years been so vitally borne by the taxpayers of this Colony, and no very substantial reduction in expenditure is proposed. On the other hand, it does not suggest any increased taxation, and a very genuine effort has been made to provide all the funds necessary for expenditure which, within the limits of the men, women and material available, will pave the way for the solution of the two outstanding problems; firstly, of the reabsorption of our victorious forces into a useful civil way of living to the satisfaction of themselves, their fellow citizens and the State, and, secondly, of the urgent necessity for implementing development schemes with the least possible delay.

May I remind hon. members that this unfortunately is yet another war budget, even though we have before us the happy prospect of peace over a large part of the globe before the year with which we are dealing is ended. I do not think the results of a peace with Germany will have any great effect on our budgetary position in 1945 and therefore, as hon. members will have noticed, the 1945 draft Revenue Estimates practically entirely and the draft Expenditure Estimates to a very large extent are based on the trends and standards observed by an examination of the actual results in recent war years, notably in 1943 and 1944.

The text of the draft Estimates contains an item of both Revenue and

Expenditure of £1,034,375 relating to expenditure borne in the first instance by expenditure items in the Estimates and reimbursed in full by other Governments on account of joint services; in my further remarks on Revenue and Expenditure, I shall not refer to this figure again nor take it into account.

The amount of Revenue which it is expected to collect in 1945 is the large sum of £6,206,390, this amount, however, is less by £115,610 than the sum we expect to collect in 1944, and £1,365,280 more than the amount inserted in the 1944 Estimates. If any hon. member should think that the 1945 Revenue figure, in view of the great increase over the 1944 Estimates, is over-optimistic I hasten to rebut such a suggestion. Revenue Estimates in recent years have been proved to have been greatly underestimated and I think every hon. member who was a member of the old Council has agreed that in those uncertain times the statist conservatism in estimating what this year's experience gained and the prospect of an early defeat of Germany justify the assumption that on a reasonably conservative basis we shall actually collect in Revenue in 1945 the sum of over £6,200,000 which is shown in the draft Estimates. If this assumption is agreed, I consider that sum should stand in the Estimates, as I think it is most desirable that the Legislature and the public should be aware, as soon as possible, that is, by means of the Estimates, of the amount of Revenue which, after consideration of all factors, can reasonably be expected actually to be collected during the year.

The draft Revenue Estimates call for little detailed comment this year. They are made up of £2,000,000 from Customs and Excise, £1,000,000 from Income Tax and £3,200,000 from the usual other sources of Revenue. The Customs and Excise figure is £350,000 less than that expected to be collected in 1944, and the reduction is supported by the fact that in certain lines of goods on which an *ad valorem* duty is based a fall in price has recently taken place; on the other hand, I do not think a greater reduction from the 1944 figure is called for since there are definite indications that the overseas supply position is gradually, in some directions, becoming easier, while the U-boat menace to our shipping routes

[Mr. Tesler] is to say the least of it by no means what it was. Income Tax Revenue at a million is the same as the amount we expect to collect in 1944; there are indications that we have passed the peak profit period, but no diminution of collections should become apparent in 1945, as large known sums of arrears have yet to be collected, and I trust that, with the increased staff which is now definitely becoming available to the Commissioner, some considerable sums due on arrears at present undetected will fall into his hands like ripe plums. I fear, however, that the estimates for the other items of Revenue amounting to £3,200,000 odd are in total some £65,000 less than the amount we expect to collect in 1944 from similar sources, although very much more than the amount shown in the 1944 Estimates and, after going into them in considerable detail myself, I have no doubt that the sum shown in the draft Estimates from these sources will be actually collected unless some totally unforeseen event occurs.

Hon. members will notice with gratitude that we expect to receive £177,956 in free grants from the Colonial Development and Welfare Vote in 1945 as compared with the estimate in 1944 of only £26,770. Expenditure, and consequently receipts from the Vote, would be much higher if staff and materials to carry out the approved schemes could be obtained. I invite hon. members' attention to the amounts shown as Revenue receipts amounting to £24,500 and £16,800 respectively relating to the Ziwayi and Taveta Schemes; these figures will need careful scrutiny towards the end of the examination of the Budget by the Standing Finance Committee in the light of the progress which is now being made in connexion with the schemes, and in the light of latest known climatic conditions. When the estimated expenditure on Ziwayi and Taveta is considered, together with the estimated receipts referred to above, it will be found that in the case of Ziwayi expenditure, including capital expenditure during the year, will be less than receipts by some £4,700, but that in the case of Taveta expenditure, capital and recurrent, is expected to exceed receipts by some £9,900. Two new revenue items of interest are to be found under Head 8—Miscellaneous Receipts.

I refer to the estimated instalment of repayment of capital amounting to £25,000 from the East African Industrial Management Board and to the payment of the estimated sum of £50,000 by the Maize Control into Revenue, made up of the shilling added to the selling price per bag above the selling price calculated on the price paid to the producer, in respect of maize sold in the 1943/44 season. Hon. members will be aware that this shilling is no longer collected and would like to know that the cash is being deposited in the Treasury and only awaits the audit of the Control Accounts before being passed to Revenue.

Turning now to the 1945 draft Expenditure Estimates, amounting to £6,133,223, the statistical position is that that amount is £1,292,547 more than the amount inserted in the 1944 Estimates, but is £460,479 less than the amount expected to be spent in 1944. It is also less than the draft Revenue Estimates by £73,167, which is the amount of surplus expected, in accordance with the draft Estimates, to be obtained from working on the Budget in 1945.

If hon. members will turn to the tables in paragraph 1 of the Memorandum on the Estimates when they have leisure to spare, they will see that for reasons beyond the control of the Government it has been deemed wise, on an ultra-conservative basis, to provide in recent years in draft Expenditure Estimates sums which in the event have been vastly exceeded by the issue of Special Warrants. The draft Estimates for 1945 have been framed to show, to the best of our ability, as nearly as possible the actual amounts which, based on the experience of the last two years and on the implementation of policies approved by this Council, will be spent in 1945. I feel sure that hon. members will agree that now that it seems possible to do so, the draft Estimates should give a much more exact picture of the transactions that can reasonably be expected to take place during the year, and that it is no longer either expedient or necessary to provide funds during the year in dribbles, and large dribbles too, by Special Warrant, a course that recently was imposed upon us owing to the uncertainty of the Revenue position.

I referred a few moments ago to the tables presented in the Memorandum

(Mr. Tesler) which is a preface to the draft Estimates. When members will see from Tables B and C that figures from 1942 to 1945 have been extracted and presented in such a way as to show the varying position in regard to recurrent and non-recurrent expenditure relating to those years. I suggest that these figures, and especially those relating to recurrent expenditure, deserve to be well thought over by hon. members because, whether it is palatable or not, the position has to be recognized that a growth or otherwise in recurrent expenditure is the basic fact that determines budgetary policy, and affects to the greatest degree the level of taxation which has to be maintained.

Recurrent actual expenditure in 1942 was just about £2,870,000, while the recurrent expenditure provided for in the 1945 draft Estimates is some £11,000,000 in excess of that amount. Now included in this £11,000,000 increase there are some items which will probably decrease after the war. I refer to War Bonus, which accounts for £250,000, and the general overall rise in prices which, permeating as it does all departments, must account for a considerable sum. On the other hand, I do not think any amount of voluntary or wishful thinking should be allowed to disguise the fact that there has been a large true increase in recurrent expenditure over the last few years and I place the increase myself at not less than £600,000.

If public opinion in this country insists on increased road construction with consequent maintenance charges, increased Police protection and increased social services—and those are the services which in the main cost the money—and if the Government and the Legislature agree, I do not think that we can escape the conclusion that, in spite of various factors which I will mention in a moment, we shall have to face the fact that taxation will have to be maintained at a higher level after the war than before the war. The factors which occur to me which should help us to bear a sharply increasing burden of recurrent expenditure, a burden which falls heavily on an undeveloped country, are these: firstly, that as I have mentioned on page 7 of the Estimates memorandum in connexion with Education, there appears to

be now no objection in principle to making application for assistance towards recurrent expenditure from the Colonial Development and Welfare Vote in connexion with schemes which could appropriately be assisted from the Vote. This assistance from the British taxpayer, if granted, will be gratefully received, but I do not suppose public opinion in this Colony would stomach an application being made unless it was felt, taking all the different circumstances into account, that the local taxpayer was not less pressed than his fellow at home. The second factor which should help us to hear the ever continuing and, as far as I can see ever increasing, burden of recurrent expenditure is development, more development, and still more development. I mean development which will make towards mental and physical efficiency, so that the output per person of all races will increase in order to augment the national income. I mean, too, development on economic projects which will enable us to utilize the dormant sources of wealth stored in our land and water assets, both to raise the standard of living and to provide wealth from exports to purchase increasing imports. Obvious development schemes of this economic nature are closer settlement, secondary industries, tourism, and the provision of facilities for export and marketing, and marketing arrangements, as well as being satisfactory to the producer, must also be agreeable to the purchaser in competition with other sources of supply.

I trust, hon. members, that I have indicated that the rise in recurrent expenditure gives cause for considerable thought; but at the same time I do not suggest, as being financially necessary, a *volte face* in connexion with the increase of recurrent expenditure included in the draft Estimates for 1945. I do think, however, that if even moderate increases in recurrent expenditure continue to occur, as seems inevitable if we are to attempt to fall in line even to a limited extent with modern conceptions of the standards of social services and public amenities, this Council will have to impose taxation at a higher level than before the war when the time comes for the revision of war-time taxation. Then I think we shall have to seek assistance from the Colonial Development and Welfare Vote in regard to a recurrent expenditure on

(Mr. Tesler) suitable subjects, such as education and medical services, for a period. What we want to aim at, however, is increased wealth through work and development, so that recurrent expenditure necessary for carrying out the normal executive functions of Government, for the provision of adequate health and educational services for all races and for the fulfilment of cultural aspirations, can be borne without risk to the financial stability of the Colony and without imposing a burden too great to be borne cheerfully by public-spirited persons.

As a tail piece to my remarks on recurrent expenditure I will inflict on hon. members, much as I know some of them dislike it, a few figures which show the amount of increase in recurrent expenditure as estimated in 1945 as compared with actual expenditure in 1943 in regard to some those Departments most closely affected. The figures of increase are: Administration £63,794; Agriculture £44,022; Education £133,682; Forests £20,115; Police £86,309; Public Works (Recurrent) £35,493; Veterinary £18,115; or a total increase of recurrent expenditure relating to those departments of about £400,000, comparing the 1943 actual expenditure with the 1945 estimated expenditure.

Now turn to the non-recurrent draft Estimates for 1945, which at £2,175,710 are £860,992 less than the revised figures for 1944. The reduction is by and large due to the fact that, mercifully, as far as can be foreseen we shall not have to import cereals from overseas in 1945 and, if we do have to import, the amount will certainly be vastly less than the imports during 1944. On page 10 of the draft Estimates, hon. members will find a summary of the non-recurrent expenditure.

Under Agriculture, the Estimates for 1944 are reflected in 1945 in familiar items, but it has been necessary to include £75,000 for Locust Control. The position in regard to this item is that there is a proposal under negotiation that provides that the Kenya Government will provide a percentage of expenditure, but that its contribution will be limited to £75,000 in 1945, the Tanganyika and Uganda Governments will each provide one half of the amount which the Kenya Government provides,

and the expenditure which is in excess of the contributions of the three Governments will be arranged for by His Majesty's Government. If the proposals are finally agreed, the indications are that the Kenya Government will be called on to provide the full £75,000 in 1945 and that His Majesty's Government will have to arrange for the provision of a very large sum indeed. £215,000 is provided under the Agricultural Head of Estimates for recoverable loans to coffee planters, and is a revote of sums provided in 1944 in connexion with the Coffee Assistance Ordinance. Under the Agricultural Production and Settlement Board's Head of Estimates, the sum of £264,281 has been estimated which closely approximates the revised estimate of actual expenditure in 1944. It provides for items with which hon. members are acquainted, and it is understood from the Board that the item of £50,000 relating to Grants for Breaking Land will decline sharply if it does not disappear in 1946. Under Education, provision is made for non-recurrent expenditure of £73,158, of which approximately £55,000 is recoverable from the Colonial Development and Welfare Vote in connexion with the education of women and children. £100,000 is provided under Pensions and Gratuities as an estimated amount necessary to establish a Contributory Pensions Fund in accordance with the principles accepted by Council and the Government in the debate on the Kenya European Civil Service Committee's Report. The amount will not, of course, be expended until the necessary legislation, which is now in an advanced state of preparation, becomes law, and the exact amount which will be payable will vary according to the number of officers who opt to join the proposed Fund. The Kenya direct non-recurrent expenditure under the Posts and Telegraphs Estimates amounts to £57,495; the principle items are for the Nairobi and Mombasa Telephone Exchange extensions, which will be revenue producing. Under Public Works Extraordinary the very large sum of £629,755 is provided, of which £115,380 is recoverable from the Colonial Development and Welfare Vote. As Your Excellency stated in Your Excellency's communication from the chair, it may not be possible to proceed with all the works shown in the draft Estimates unless the supplies of cer-

[Mr. Tester] main types of materials increase, and it is proposed generally to undertake only such works as are of an urgent nature or the start of which will materially assist in the implementation of the development plans.

I now turn to the Non-Recurrent Head—War Expenditure Civil—under which the large sum of £705,911 is provided in the draft Estimates. The items repeat with minor exceptions those which this Council has examined in connexion with previous Estimates; an exception is an item of £12,000 for the expense of Military Remittance payments. Hitherto the Military Authorities have to a considerable extent undertaken the responsibilities of providing an organization for the payment of remittances made by African soldiers to their families, although it is true that in some cases the work has been carried on by the Civil Government. It has now been accepted that such work should not be regarded as a Military responsibility, and specific provision has accordingly been made in the 1945 draft Estimates on the advice of the Standing Finance Committee. This provision will permit of a considerable improvement in the existing machinery for the payment of family allowances and special remittances by way of speeding up payments and reducing the number of unpaid amounts and, consequently, it is hoped to eliminate some of the dissatisfaction which at present exists in this connexion among African soldiers.

£100,000 is provided under the item Reduction in the Cost of Foodstuffs, and, in the light of the latest information concerning the necessity or otherwise of importing foodstuffs, it may be possible to reduce this provision in the course of the examination by the Standing Finance Committee of the draft Estimates. £100,000 is also provided as a one-line vote for services related to the demobilization and reabsorption of service personnel. About £35,000 is expected to be spent from this item in 1945 on a Rehabilitation Centre to be built near Nairobi and £40,000 for extensions of hospital accommodation for returned soldiers in native areas throughout the Colony.

The provision under the Head—War Expenditure Civil—for the Commodity

Distribution Board is heavy at £75,443, a sum about £3,000 in excess of the revised figure in 1944, and provision for the Imports Control, which is shared by Uganda, is also substantial at £19,961. I mention specially these organizations and also have in mind such activities as Price Control, Censorship and the Information Office, not because I doubt that the Colony has been and is receiving value for money from them, but because I consider that henceforth, in view of the approach of the end of the war with Germany, expenditure on them should be kept under constant review. As long as these organizations are necessary we must pay for them, but it is necessary to guard against their continuance on their present scale for a day longer than is necessary. Through inertia we do not want to become addicts to war measures. Those hon. members who study the home and U.S.A. papers will be well aware that the world position does not indicate that a wholesale abolition of Controls will follow immediately on peace with Germany, and indications are that some measure of Import and Price Control will be necessary for a considerable time.

I do not propose to weary hon. members with any further details in connexion with the Expenditure Estimates, since they will find detailed explanations in the Memorandum on the Estimates and will be in a position to obtain from hon. members on this side of the Council, in the course of debate, such detailed information as is not in the Memorandum or which they wish to be elaborated, but before I move the resolution I should like to refer to some important matters regarding finance which should engage our earnest attention during 1945, but which are not specifically referred to in the 1945 Estimates.

It is evident, now that the end of the war with Germany is in sight, it should be possible, as it is most desirable, that finality for dealing with the large shortfall in Sinking Fund arrangements with which we are faced as well as for financing Post-war Development Plans and Closer Settlement, in regard to Sinking Funds, if our overseas loans are to be paid at their earliest or fixed due dates from Sinking Funds it has been estimated that it will be necessary, apart from continuing the annual payments to Sinking Funds as provided annually in the

[Mr. Tester] Estimates at present, to pay £1,990,300 approximately in 1945 into the Sinking Fund for accumulation till the time comes to pay off the loans. Of this sum about £830,000 is required by 1950, and it seems clear to me that in regard to this sum the position should not be allowed to drift. In regard to Post-war Development Plans and Closer Settlement, it is evident that very large sums will be required and it is most desirable that, as far as possible, the whole picture should be seen in order that adequate and convenient financial arrangements can be made. As regards Development Plans, it is expected that these will all be examined and collated early in the new year, and it is understood that the Agricultural Production and Settlement Board will, in the very near future, be in a position to submit proposals as to the amount of finance which will be required, and as to when it will be required, in connexion with Closer Settlement. As soon as the whole of the requirements are known it will be necessary to see to what extent they can be financed from Revenue, or from accumulated balances and funds, or from local and overseas loans, or from grants and loans from the Colonial Development and Welfare Vote, and I trust the hon. members of this Council will, as soon as the necessary data is made available to them, give their most earnest consideration to the serious problem at hand, with a view to tendering the best possible advice to this important and urgent financial matter.

In regard to one or two other financial matters also I wish to give information to the Council before I move the resolution. Firstly, in regard to the dried vegetable factories at Kerugoya and Karatina, the total capital cost of which was some £236,000 and, with the exception of some £26,000 in regard to an interest free advance to His Majesty's Government of a temporary nature, the advance is to be paid off by an addition (including the cost of the dried vegetables sold) to the actual cost of production, calculated to provide as near as may be, amortization of capital by the 31st of August, 1945. Under this arrangement the whole of the capital cost of the Kerugoya Factory has already been paid and the repayment of the capital of the Karatina Factory is proceeding

apace, which is not surprising as production is very large indeed. Two hundred and twenty tons of dehydrated vegetables were produced during last month alone (Hear, hear). The sum of £26,000, which is not covered by the arrangement with His Majesty's Government for repayment of capital to which I have referred, is related to the hydro-electric scheme in connexion with the factories, but the arrangements in regard either to the break up residual value of the projects or to their disposal as a going concern if a market can be found for the output after the Army no longer require it, are such that I see no reason to doubt that the whole advance of £236,000 will be recovered absolutely.

The other matter to which I wish to refer is the capital amounting to £200,000 provided by the Kenya Government for capital expenditure on the establishment of secondary industries. As hon. members know, this matter of the establishment of secondary industries has been dealt with by a galaxy of inter-territorial bodies, leading eventually to the executive order to proceed by the defunct East African Defence and Supply Council. The administration of the estate, estimated at £200,000, was vested in a newly-formed East African Industrial Management Board working under the direction of the East African Industrial Council after the orders had been placed overseas for the machinery desired. I mention, not as an apology, but as a statement of fact, that the delays in obtaining from home statements of account due to be paid by the Board would appear to be quite inexcusable to those, who, unlike the hon. member for Nyanza, have not seen conditions of the Col. Pelling, the Chairman of the Management Board, became suddenly and seriously ill, with inevitable dislocation of arrangements for dealing with the records, and it was not until August that an experienced business man could be found to replace him. The new Managing Director (Col. Griffiths) at once applied himself to the preparation of a full statement of the Board's affairs, and the Board agree that this should be presented on the 30th of November and, in these circumstances, I hope to ensure that a progress report of the Board's activities and financial position comes before this Council before the end of the session,

[Mr. Tester] and trust the Council will agree that very little useful purpose would be achieved by issuing an interim report when after reviewing the whole of the position the Managing Director, in the report, to which I refer, due on the 30th of November, will be able to state when further projects will come into production and the priority to be given to them.

Your Excellency, I beg to move that the draft Estimates of Revenue and Expenditure for 1945 be referred to the Standing Finance Committee, where I am confident they will receive the most careful examination. (Applause.)

Mr. FOSTER SUTTON seconded.
The debate was adjourned.

DETAINED PERSONS REMOVAL BILL.

FIRST READING

On the motion of Mr. FOSTER SUTTON the Detained Persons Removal Bill was read a first time and notice given to move the subsequent readings at a later stage of the session.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 22nd November, 1944.

Wednesday, 22nd November, 1944

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 22nd November, 1944. His Excellency the Acting Governor (Hon. G. M. Rennie: O.M.G.—M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of the 21st November, 1944, were confirmed.

ORAL ANSWERS TO QUESTIONS

NO. 60—RELEASE OF REQUISITIONED PREMISES

Mr. PAEL (for Mr. Pargo, absent):

Will Government state if it is proposed to take the necessary steps to ensure that the premises which were requisitioned for use by the Armed Forces and other wartime organizations when vacated or released from such use by tenants who had to vacate in pursuance of requisition orders will be given preference by the landlords to occupy such premises at the rent paid by such tenants on the date of requisitioning of the premises?

MR. TESTER: As at present advised the Government does not propose to take steps to alter the existing legal position.

NO. 68—RAILWAY AFRICAN STAFF

Mr. DEECHER:

In view of the fact that special grade African Railway staff are performing duty and undertaking responsibilities formerly carried out by European and Asian personnel, will Government please approach the Railway Administration asking that 2nd class travelling facilities be granted to these African employees? And will Government also ask that 2nd and 3rd grade employees be granted that same facility on payment of the difference between 2nd and 3rd class fare? And by way of explanation, will Government note that this request comes in its present form at this time because of the very serious disabilities suffered by those who have to travel in the 3rd class—and give some assurance that the present conditions of such 3rd class travel will be improved at the earliest possible opportunity?

MR. SURRIDGE: The Government has approached the Railway Administration on this matter and it is informed that, while the Administration cannot accept in its entirety the statement that special grade African staff are performing duty and undertaking the responsibilities formerly carried out by European and Asian personnel, the management has sympathy with the request that the more senior African staff should be granted improved free pass travelling facilities. In view, however, of the present heavy demand on second class accommodation by fare-paying passengers, the staff have been informed that the question must remain in abeyance until after the war and the passenger transport position improves. An undertaking has already been given to the staff that this question will then be reviewed.

The latter part of the question has been noted by the Railway Administration and everything possible is being done to improve the conditions of third class travel, but there is little hope of such improvements being introduced until after the war owing to circumstances over which the Railway Administration has no control.

DETAINED PERSONS REMOVAL BILL

SECOND READING

MR. FOSTER SUTTON: Your Excellency, I beg to move that the Detained Persons Removal Bill be read a second time.

As hon. members of this Council are no doubt aware, His Excellency the Governor has powers under Defence Regulation 24 to order the detention of any person, whether he be a British subject or subject of any foreign Power, if in his opinion that person has been engaged in acts prejudicial to defence and security. The bill now before Council seeks to implement the powers which are conferred upon the Governor under the regulation to which I have just referred. The bill seeks to confer power on the Governor; firstly, to make provision for the removal of detained persons from the Colony to the United Kingdom or to any country or territory to which the Emergency Powers (Defence) Act, 1939, has been extended; secondly, to make provision for the return of detained persons, who have been

received in the Colony from a country or territory to which that Act applies, to the country or territory whence they came; and, thirdly, to make provision for the detention and removal of detained persons, who are passing through the Colony in transit, for the purpose of ensuring that they continue on their journey.

This bill has been enacted in a similar form in other parts of the Empire. It applies to all British subjects, whether born in the Colony or not, and to all foreigners. In other words, it covers every conceivable class of person. I do not think I can usefully add any more; the bill is short and, I think, it is not contentious.

MR. DENNISON seconded.

MRS. WATKINS (Kiambu): Your Excellency, there is only one point on which I am not clear. Does this apply only to detained persons under the Defence Regulations, not to people detained in Mathara or elsewhere.

MRS. FOSTER SUTTON: It is only intended to implement the powers conferred on the Governor under the Defence Regulations passed under the Emergency Powers Act.

MRS. WATKINS: On a point of explanation, I was not quite clear what was the intention of the bill?

MR. FOSTER SUTTON: I think the bill is quite clear, because all the way through the Emergency Powers (Defence) Act is all the way through referred to, and the bill is intended to implement the powers conferred on the Governor by Regulation 24 of the Defence Regulations, and I do not think it is likely to be misconstrued in any other way.

The question was put and carried.

MR. FOSTER SUTTON moved that the bill be considered clause by clause in committee of the whole Council.

MR. DENNISON seconded.

The question was put and carried.

Council went into committee, the bill was considered clause by clause without amendment.

MR. FOSTER SUTTON moved that the bill be reported without amendment.
Council resumed. His Excellency reported accordingly.

THIRD READING

MR. FOSTER SUTTON moved that the bill be read the third time and passed.

MR. DENISON seconded.

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

DRAFT ESTIMATES, 1945

REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

MR. VINCENT: Your Excellency, first of all I would like to express our appreciation to you for your courtesy in agreeing to adjourn Council after the presentation of the budget yesterday by the hon. Financial Secretary. I think you appreciate perhaps more than anyone else in this Council the enormous amount of detail which confronts elected members when budgets are presented. Heads of Government departments have had a considerable time to go into the budget of their departments, and I am certain that your courtesy will be the means of greatly facilitating this debate. I would like to congratulate the hon. Financial Secretary on the budget and his presentation of it. I hope you will allow me in speaking to the motion to embrace not only the budget but significant portions of your address from the chair, and also matters connected with the Colonial Development and Welfare Act. I believe to-day we must recognize that we are facing the picture as a whole, no matter from whence the finance is being derived. I consider that many passages in your address, sir, have great significance and I make no apology for stressing the significance of many of the passages, nor do I apologize for quoting the actual words that you spoke, because I have a great dislike for the custom we have in referring back to the custom we have in referring back to paragraph 2, page so-and-so, clause so-and-so, and after you have looked for it for half an hour you ring someone up and say, "I have turned up the reference but cannot find it," and you are told that the reference is wrong. You lose the context, and I am, therefore, going to quote passages from your speech.

Finance relief. I would draw attention to a fact which I do not think has been

appreciated by one per cent of the communities of this country, and I am certain that will never reach about it, and that is the extraordinarily fine job which was done by this community, with excellent team work on the part of the Director of Agriculture, the Director of Produce Disposal, the Chairman of the Production and Supply Council, and last but not least, my colleague the Member for Nairobi North, Director of Non-native Production, in handling the very critical food situation which this country has had to face. In the memorandum put up by the hon. Financial Secretary he stated that a little sum of £800,000 has been expended. In his speech, I expect, including other factors connected with food, he referred to £1,125,000. That is a mighty fine effort for this country and an exceedingly well-balanced effort, and I think we owe a great tribute to the sagacity and wisdom of the steps which were taken, and I cordially pay a tribute to it. I would, however, fail as a citizen of this country if I did not quite sincerely and blatantly pay a very sincere tribute to the excellent co-operation we have received from the military authorities, both in regard to famine relief, the locust campaign, assistance in production and in transport generally. In fact, the crisis which we have faced, and I believe have been greatly assisted by the military authorities, not only because of what they have done but in a manner in which they have done it, and I am certain Council will join with me in paying a most sincere tribute to what has been done in that respect. (Applause.)

There are two points which have arisen from the shortage of foodstuffs and the famine years which have been with us. The first is that a great deal of famine relief has been afforded in certain reserves, and the point I want to secure an honest answer to is this. Was it not possible that a lot of the natives who received food, and received assistance with food, could not have got outside the reserves, and worked for the food and reservecd to harvest the food they were ultimately to consume at the community's expense? I think as a matter of policy we should be told why they did not come out or whether it was impossible.

[Mr. Vincent]

At this juncture I do not want to be offensive, but I did draw attention last year to the fact that the budget debate had been regarded as a talking shop, but we feel that this is the one occasion in the year when we can look to Government with our assistance. By asking the Government, we hope, intelligent questions, to give the country a picture of what is going on because after all, they in some measure pay for it. Therefore, when we ask questions we do hope the Government members will, as they did last year in a great many cases, answer those questions with an answer they themselves would ultimately be satisfied with if they had asked the question originally. If they do not do so, then I am afraid we shall have to extend this session by the presentation of divers motions in order to extract the answers to the questions we are justly entitled in the first instance.

The other point which arose from famine is one which I am going to spend a little time on, because it is of great importance to the country. It has been proved beyond any doubt whatsoever that labour can be organized and that labour can be organized by Government, and in support of that I wish to quote three passages from your address, sir. They are not taken from their context to distort them, but merely to shorten my quotation and to refresh the minds of my listeners. One of the passages reads: "Sir Henry Moore appointed Mr. R. S. Wollen to be the officer responsible for the allocation of African foodstuffs and Mr. P. Wynn Harris to coordinate the famine requirements. The latter was also charged with the duty of examining the possibility of redistributing labour with a view to ensuring that African man-power consuming the food was used to the best advantage in furthering the war effort and maintaining services essential to the life of the community." A little further on you say: "Concurrently with the measures adopted to secure the food position, the question of the better distribution of the labour consuming that food was examined, and proposals were submitted to the Government by Mr. Wynn Harris that were designed (a) to prevent labour engaged in essential industry, particularly agriculture, from drifting to unessential employment in the towns; (b) to clear the towns, particularly

Nairobi, of the unemployed and juveniles, and (c) to control the employment of unessential labour there." Finally, you did what Government very rarely does do, you gave us concrete results in definite figures, and I think we should congratulate you for it. In this passage you say: "It may be of interest to know that in the first six months of the control, approximately 3,000 unemployed have either reported or have been taken before the Labour Exchange. Of this number, 1,300 were directed to approved employment in or around Nairobi, 500 were conscripted to essential work and 1,200 were repatriated to their reserves as being either exempt or unsuitable for conscription. In addition to these numbers, it is believed that many more have left the town rather than run the risk of being taken before the Control with the possibility of conscription. The Control has had a marked effect on the stabilization of labour in the town; before Control there were approximately 8,000 engagements and discharges every month, now there are approximately 1,500."

I claim that we are now in a position, in the light of world events and in the light of the evidence which confronts us, entirely to review our attitude towards the labour of this country. Casting my mind back as far back, without any exaggeration, to 1912, I believe if you read the then newspapers of that day—the *East African Standard*—you would see in large headlines "Acute Labour Shortage"—32 years ago. And so we have trailled on in the intervening years, disregarding the fact that our greatest asset of this country, properly handled and properly directed, was the only really unorganized portion of our community. We have been afraid, because of the obtuse pressure brought to bear by "innocent" at home that the whole of these communities were slave issues, we have been afraid to face the issue, because probably we had no then evidence to support our real motives in the matter. But now the position is entirely different. No matter what Labour Government you have and no matter what Government you have at home, whether it be Conservative, Liberal, Labour or any other, they cannot but support in every conceivable way the proper organization of labour, and I maintain that such an organization is entirely the responsibility of Govern-

[Mr. Vincent] meant the responsibility of Government to the natives themselves in their reserves, out of the reserves and back again to the reserves. Government responsibility should follow the phase of the procurement of the labour, the direction of the channels into which the labour should go, including the point which I know is already very well taken care of, that is the welfare of the labour employed outside the reserve areas. This may sound a strange policy to those who have always imagined that there is some mysterious barrier between the whole of the community and the native reserves. The native reserves have, to my certain knowledge, been handled most efficiently always with the bias towards native interests, but I believe that had there been labour officers in the reserves with a better spread of agricultural officers in the reserves, this evil thing which has descended upon us in the form of soil erosion would have been recognized and handled years ago. Then again, do not let us try and fool ourselves. We sit here in solemn conclave, we talk about new settlement schemes, large post-war schemes, the backwardness of our building and road programmes, all completely tied up with labour, and I warn this Council most seriously that unless we tackle this question of properly organized labour through the channels through which it should have been organized over the past years, of this juncture in our history we are just wasting our time considering these vast schemes which must be ours and our children's in the future.

I know that really we should have a Ministry of Labour, there is no doubt about that, because if we had one we would have a man we could throw out if we were not doing his job. It must ultimately come, without any doubt whatsoever but I put it to you, the powers of the Commissioner of Labour, at the present time are merely those to within a workable extent of a labour inspector. He is not a Labour Commissioner. I know that he has sought and has had very good co-operation from the Provincial Commissioners, but they are very busy men, their district officers are very busy men, and I should like to say in all seriousness that it is no good having an imposing Labour Advisory Council if the Labour Department has

not the personnel or wherewithal or power to carry out the dictates of that Council. The thing is Gilbertian. Therefore I do hope that when the report of the Standing Finance Committee comes back to this Council we shall see a very much stronger Labour Department, based on the assumption that the Commissioner is going to be allowed to do the job the country expects of him, that we are going to stop this biggledy-piggledy method of handling labour as between officials and ordinary civil labour recruiters, so that not only shall we be trying to develop the country from a governmental or civil point of view, but also the natives themselves will have supreme confidence that they are going to be sent where they should get proper pay and conditions, and do a man's job and reap the just reward. I say to you, sir, that I consider this point is of paramount importance, because there are hundreds of thousands of natives out of this country at present who have on their return to be re-absorbed. This I will refer to later. We have the greatest opportunity that has ever presented itself, and if we fail to take full advantage of it we shall not be worthy to be members of this community.

Now, sir, man power. According to the Press you have advised that there will be a greater demand for demobilized Europeans than the supply will be able to fill. I hope your advisers are aware of pages 142 and 143 of the next year's estimates, wherein the cost of War Expenditure, Civil, shows a sum of no less than £705,911, and a considerable part of that must be for the payment of services of officers who are operating in the various wartime Controls. The question I want to put is this: Could we know if these officers are among the demobilized Europeans referred to, or do your advisers feel that these officers are absorbed for life in these Controls? Another point on which the community is very worried about, and I think justly so, is this. We feel that when British man power becomes available for these Controls, that British man power shall displace the foreign man power with which at present many of the Controls are teeming. (Applause.) I say that with no feeling of vindictiveness whatsoever.

Woman power. To my certain knowledge, up to a short time ago the Director of Woman Power was unable, because of

[Mr. Vincent] or she had received, to allow the entry of women into this country unless the grounds were very very essential. But I know of cases which were brought to me as a member of this Council where a mother wanted to come to take care of the children while her daughter, the mother of the nursing, went to work in an office or nursing home. We are short of woman power for various reasons, and one recently has added to those reasons. A number of officials are proceeding on leave to England or South Africa, and they are accompanied by their wives, who previously had been doing a very good job of work either in Government departments or commercial houses. Therefore the position is becoming aggravated to a greater extent, and the country wants to know what the present policy is and, if the present policy is not a sensible one, will Government please try and make it a sensible one?

Live Stock Control. I am afraid that the very excellent work done by the Director of Veterinary Services, Major Raper and his men has been entirely overshadowed by the possibility of somebody making a profit out of the Live Stock Control, and that appears to me to overshadow everything. But if anybody troubles to think, they will realize that no possible profit can be made from the Control until the last bit of it is sold and the last expense paid. I do not mind people discussing what to do with the profits, if there are any, but I warn people that when you are dealing with large herds of cattle they are a very vulnerable stock and instead of a profit there may easily be a deficit. But I do not think that that should detract from the very excellent work carried out under untold difficulties. In exactly the same way, while I am paying a tribute—which I rarely do—I should like to pay a sincere tribute to the hon. Member for the Coast for the excellent work he has done in providing fish for the community. (Hear, hear, and laughter.)

We now come to a question which is one of our most serious questions, and that is our building programmes for education and hospitals, and our road programme. People shudder at least some do, at the amounts which we are now being asked for education buildings and so on, but they

have forgotten that we have been shuddering for the last 20 years because facilities we should have had have not been existent. After all, when one tries to reckon up in terms of time how far we are behind our building programme, we have only got to think that we were, joying with a girls' high school as far back as 1921 and have not got one yet! The enormity of the task in the future is our great problem, it does not appear to be so much a matter of money, even to-day, and I am going to ask the hon. Director of Public Works some very pungent and sincere questions on the matter. In development, the stability of that development depends entirely on the means you have of carrying out the work, and I believe it had become part of Government's policy before the war to try and cut down departmental building work or any other kind of work and to give the work out to contract. I am not blaming Government altogether for this aspect of it, but here is the picture. In the big towns in England, especially London, you see very large buildings going up and a lot of work being done, and you see the names of old contractors year after year such as Trollope & Sons and others, and a magnificent job is done. What happens in this country? What has happened? Contractors have come to this country, they have had heavy overheads and organizations, and instead of the contracts, both civil and Government, being vetted by good quantity surveyors and that building programme being an industrial venture, a contractor is expected to turn into a speculative venture, and when he dismisses his head man, that head man gets a little bit of financial backing from somewhere and goes in for contracting and puts in for work at a price under cost to get into the business, with disastrous results to the man who is the backbone of the country in our development. Therefore I consider that these estimates of the Public Works Department want the closest possible scrutiny in regard to personnel, I believe that what we want are honest-to-god quantity surveyors who know their business to handle these contracts and see that we get proper value for our money, and that the man who does the work gets a just recompense. I do not only include building contracts, but I also include road contracts. I have made this point in this

[Mr. Vincent] Council before, that if we are going to catch up to at least 15 years in which we are behind in our road programme we have to encourage big contractors to come here to get on with the job, and we must see that those contractors have a fair deal. It is not clever to give contracts out at a questionable figure, because you are going to suffer in the quality of your job in the end. In passing, and talking on the question of buildings, I wonder what additions have been made to our hospitals in the last 30 years, and I wonder what hospitals have been made to the European hospital here? I do not think very much, and so from whatever phase you delve into it you will find the country is faced with the same problem. I would ask the hon. Director of Public Works if in his estimation the increased cost of building in this country as compared with costs prior to the war, has reached a reasonable figure of 60 to 80 per cent?

In your address, sir, you referred to cold storage which is being installed by the Railway Administration at Mombasa at a cost of £40,000 and of 1,200 tons capacity. That is very excellent, and we are grateful that Government have taken this long view. But there is a point of principle involved here, which I am certain the hon. General Manager of the Railways will realize and appreciate, and it is this. We as a body concerned with the whole of the storage of this country should come under the Production Board. The Railway has at Government's expense, been of immense help in helping us to erect storage in out of the way places in order to take care of bulk consignments. The Railway policy is that their liability for taking care of storage is strictly limited, and if we want storage it is a matter for the community or Administration, because of the precedents which I believe have been created in Uganda. It is the shrewd of this Uganda argument that we do not want to get under in this matter, because, if I must be very patent to anyone who thinks at all that the rating of the produce which will pass through this cold storage must, or very largely must, in the first instance be on a very generous basis to the producers. It is going to be an extremely difficult job to get into line with world markets, and assistance will have to be given. Therefore, I state that

we feel that although the Railway will do this work, the control of it should be completely under the Production Board, and I consider that a very good way out of it would be for the Civil Administration to purchase the cold store from the Railway on terms to be discussed as and when it is erected. This is a matter of policy, it is not carping criticism. There is a good deal behind it, and it is far better to look ahead and not wait until we are up against a most awkward question.

While I speak about the Production Board, I want it thoroughly understood that we regard the confluence of this board as an integral part of our permanent post-war planning. (Hear, hear.) I believe it is the finest organization created by anybody or anything in Kenya. We are justly proud of it, and we wish to see it preserved.

You, sir, have gathered from my remarks on the Land and Agricultural Bank (Amendment) Bill the other day that we support wholeheartedly a reduction of interest on advances down to 3 per cent.

Post-war development. I am afraid that I have got to ask questions about this, because we want to know exactly where we stand. First of all, we want to know what are the duties of the Economic and Development Secretary? Is he to be flooded with work by being put on every committee that is set up? Is his department to become a backwater for all the more awkward questions which are forwarded to Government, or is he going to be allowed to do the job that the country expects him to do? I think that is a very fair question. In your address, sir, you made this statement: "The Economic Committee's task will be both difficult and arduous, but it will not have to start its work from scratch, much has already been done." At this juncture I think we are quite right in asking the Economic Secretary a few questions, to try and find out what has been done, and in addition to the publications which have already been made we should like to have a little more information regarding development. The burning question is: How do Government propose to facilitate the employment of discharged Africans? What is being done for blinded and disabled Africans? What does Government propose to do for those

[Mr. Vincent] who, whose careers were interrupted almost from school to war, when they come back, in the way of training? What plans are being envisaged for agricultural and vocational training? And how is Government trying to find out what those people who are still in the Forces want to do when they leave the Forces? In fact, what has Government generally in mind, for instance, regarding certain districts? Has any thought been given to turning the Northern Frontier District and Turkana into economic assets instead of them remaining liabilities? What progress has the geological survey made, or has it been arranged for? Because I cannot imagine any Economic Committee getting ahead without a geological survey. And, additionally, on behalf of commerce, I should like to ask: Is the Economic Secretary of opinion that the Industrial Research Board should continue post-war? If so, in what form?

On the general question of planning, I am a little bit fogged as to the virtues of a 5, or 6, or 10 years' plan. Does it mean that the man who says 10 years has a bigger brain and a bigger perspective than the man who says 5 years? Or did somebody say 10 because Kenya said 5 first? There must be some point in it.

Dealing with the question of Colonial Development and Welfare Funds, I would like to make quite clear what the attitude of the European elected members is regarding it. We feel that we have a tremendous responsibility in the matter, and I take it that plans which are passed by the Development Committee which is to be set up will come to the Standing Finance Committee, upon which there are several elected members, and then forwarded to the Executive Council where, we hope, there will be two elected members, and when those plans are put into operation and the money is being expended we feel it our duty to act as the closest possible liaison between carrying out the schemes and those responsible for carrying them out, so that if there is any waste of any man's money we can at the time of the discovery report it and have it rectified on the spot, and not left until the waste runs into a very large figure. In fact, we feel it our responsibility to

the British Parliament and to the people of Kenya to get the best possible value out of any money devolved to these ends.

Police.—The police have a very difficult job in this country at the present time, and their work is going to steadily increase if I can judge events. My question about the police is this: Did the Commissioner in this instance get all that he required to give him a force which, in his opinion, would enable him to do the job, or were his estimates ruthlessly cut down? I also want to know what has happened to the Auxiliary Police Force? We must not disguise the fact that these hundreds of thousands of native soldiers who are rendering such excellent service in whatever theatre of war they have penetrated, will come back here with very different ideas to those they had when they left this country, and the difference in those ideas may not only be directed towards European and Indian communities but they may have entirely different views from the men they left behind. I made it a point when the Auxiliary Police Bill came before us that, much as we deplored the disbandment of the Kenya Defence Force, it was a most important force and that it should be armed, and I still make that plea, and I still say we are in danger if we continue to take no action on this. Referring to those discharged African I am afraid that I am going to refer to a parochial point, on which I want some information. That is, the Kibera village next to Nairobi golf course, the Bura Bura village springing up some 12½ miles along the Ngong Road, and the Karura Forest which has become a place of ill repute. I want to know who is really in charge—is it the hon. Chief Native Commissioner, is it the district commissioner, or is it the police? In the black spots of New York down town where unavoidably these have sprung up you have special police patrols, and in the East End of London you have them. I maintain, first of all, that we should not have allowed these black spots to grow, and secondly, that if we have allowed them to grow and these African murders as a result of crime in these villages take place in the vicinity of Nairobi, then we shall have to go to the expense of a very strong police patrol. I believe we can prevent these villages growing up. While I am on the subject, I would ask the hon. Director of Medical

[Mr. Vincent] community cheat us by taking advantage of the situation which has arisen during wartime.

I make no apology for making a suggestion to Government in regard to another matter concerning revenue, and it is this. I know Government can instruct any of their employees to go on committees, but I do submit to Government that I do not believe the various services have been on the various committees on which he has been instructed to act, it was a grave error to remove the Commissioner of Income Tax from his job of collecting the revenue of this country to do other work for Government when his staff was so short. I believe his job is to collect the revenue of this country; his job is to assist us in that way to balance our budget, and when we ask him to undertake other work his department must assuredly suffer and I think it should cease.

From suggestions I have made and from those which my colleagues will make, Government would be quite wrong to assume that we are not very conscious of the great need for economy and for keeping expenditure down to the minimum, and the need for an early review of the incidence of taxation which, in our opinion, is unsatisfactory at the moment. We also realize that the present budget is a very abnormal one. We are most anxious to do our part in seeing that expenditure is made wisely and that waste is avoided, and Government can rely on our wholehearted support while their efforts are so directed. In speaking on behalf of the European elected members I do want to assure you that we are not living in a fool's paradise; we are alive to the very important four years before us. We do not minimize the difficulties which confront us, and are only too anxious to play our part in the planning and development of a prosperous Kenya on sound and lasting foundations. (Applause.)

Mr. PAUL (Eastern Area). Your Excellency, I join with the hon. Member for Nairobi South in congratulating the hon. Financial Secretary on his clear explanation of the estimates and able presentation. At the same time, I cannot help stating that these estimates are prepared on the usual lines, neither departing from the old methods nor covering

new matters. From the point of view of the Indian community I must express a great sense of disappointment, because the draft estimates omit almost all reference to matters raised by us in the past from time to time, except to a certain extent expenditure in the education vote. The Indian community, like a child crying before its grandpa for its unattended needs, have put forward so many requests in the past fruitlessly, and we have received replies in the form of various excuses and explanations and nothing has been done. I shall demonstrate that very clearly by a few instances. If you take the medical needs of the Indian community, I feel inclined reluctantly to say that our requests have not only been turned down but excuses amounting to criminal negligence have been put forward, even for the most elementary needs of the Indian community for medical facilities. We were promised twenty years back in Mombasa that a group hospital would be erected very soon, we were promised also in Nairobi—that a group hospital scheme would be put into effect, and very soon. We have waited for two decades, and nothing has happened, and even today I find it to scrap even the scheme on paper which was formulated two decades back, instead of going forward with that scheme. We do not find a single Indian hospital in the country. Uganda started much later than Kenya, and in Kampala a beautiful group hospital with an Indian section has been erected, which I saw myself a few months back, while in Kenya, where we started as a colony many years earlier than Uganda, we have done nothing to meet the needs of the Indian community in regard to medical facilities. Time after time we have made representations to the Medical Department, and we have received nothing but promises and sweet words from successive Directors of Medical Services, but those promises have never been put into practice. I request Government to appoint a committee as early as possible to go into the whole question of Indian needs, and to report to Government as early as possible, what can be done before the group hospital schemes come into effect. Those schemes may be delayed a generation or two, and therefore I am very anxious, as is the whole Indian community, to see that something is done now.

[Mr. Palel]

I am also going to make a few suggestions to improve matters immediately before something is done by Government. In Nairobi, and in Mombasa particularly where the majority of the Indian population is settled, we receive complaints from time to time of the treatment Indian patients receive in the Native Civil Hospitals, amounting sometimes to carelessness on the part of those attending. I do not say that it is always done deliberately, but the present system is such that it is likely to happen. There is dual authority over the boys who attend the patients, and therefore when an Indian nurse gives any instructions to the matron in charge, and it has been found time after time that Indian patients in the wards have received very scant attention. I therefore suggest as a practical step that there should be an Indian medical house surgeon resident in the hospitals with Indian nurses and boys serving under him who will carry out their instructions and not say "I shall refer the matter" and so on.

As usual again, the budget does not show any move on the part of Government for taking steps for setting Indian youths on the land. I am quite certain that the hon. Commissioner for Lands and Settlement will put forward several excuses, and that some members will say the Indians were offered land a generation back and did not take it, and they will try to justify the fact that the sins of the fathers must be visited on their sons by saying there is no eagerness on the part of Indian youths to take to the land. This we have heard for the last several years. What we want is to make a move in the matter, and to make I make the practical suggestion that unless an Indian land settlement officer is immediately appointed, whose duty it will be to think about the problem and plan and advise Government in the matter, I do not think anything will come of it merely by raising the question in this Council and Government replying and putting forward various pleas and excuses.

We have noticed that when there was a depression and the revenue was not coming in as it is now, we were told there was no money. Now, when there is money, we do not find any provision made for the various requests the Indian

community was making even before the war, and unless some move is made now in regard to the needs of the Indian community these will not be met satisfactorily. While on the education vote, on behalf of the Indian elected members I should like to give a hearty welcome to the new Director of Education, because during the short time he has been here I have felt that the relations between the Indian community and the Education Department, which were to a certain extent strained for some years, seem likely to improve very soon. On the question of education I want to say one point, in regard to buildings. We have been asking for provision for buildings for Indian education, but we have received very scant attention there also. If I may speak on behalf of Mombasa, there is not one building put up by Government during the last twenty years for the purpose of education—they were all privately put up by the Indian community. To-day, any member of this Council who visits the elementary school in Mombasa will see over 400 children getting education in a building which can only be described as under slum conditions. When the Government is in a position to provide us with money sufficient and necessary to put up buildings for Indian education, I am going to suggest that whatever money is provided in the budget should be spent on the advice of the various school area committees through private contracts. My reason for suggesting this is obvious. Before the war, when we pressed Government to put up a girls' school in Mombasa, the estimate given by the Public Works Department was about £15,000. We put up a building ourselves, and it cost £6,000, and I cannot see that it is inferior in any way to a building put up by the Public Works Department, and it still stands, looking, in my opinion, better than some Public Works Department buildings. (Hear, hear.) I may also state that at the time officials in the Public Works Department at Mombasa put forward all possible obstacles in the completion of the building to justify their estimate before that building was allowed to be completed by private contract. Therefore I submit that what little money may be provided for us, buildings should be put up with the advice of school committees by private contract, so that we may get more facilities and more space.

[Mr. Patel]

Another thing I want to submit to the hon. Director of Education, whom I do not desire to embarrass now by putting forward controversial questions, is that I myself have raised in this Council very urgent matters. One of the urgent matters was that in the small centres, where there are only a few Indian traders residing, they have struggled hard for the last twenty years to maintain private schools, but it is beyond their financial capacity to run them efficiently and to get efficient teachers. It is all very well for Mombasa, Nairobi, Eldoret and Kisumu Indians to finance the schools there by private subscription, but for small centres like Voi, Mariakani, Malindi and so on it is difficult to raise sufficient money unless the people go to the bigger centres and ask for donations. I suggest, therefore, that where there are forty or more Indian students in a centre, Government should shoulder the responsibility of running the school and not leave the Indians to manage the school in an inefficient manner. In Malindi the Indians were not able to pay a high salary to the teacher and the Education Department was not able to approve of the teacher, and the school was closed and the children thrown into the street, so that now they are going about without any education whatever. I submit that the Education Department should take this question up as a very urgent matter.

I am not going to touch to-day on the question of principals in Indian schools, because I do not desire to embarrass the new Director, and I also understand from him that whatever points have been raised at the Advisory Council on Indian education are receiving very careful consideration and that he is likely to meet that Council in the very near future, so that I do not want to raise this controversial question. But there is one point I do desire to raise, and that is that the Indian Education of this country requires an expert investigation. To-day we are drifting without any settled policy. Perhaps some members of this Council may not know that the medium of instruction in the lower classes is the vernacular language, and it is very difficult for a non-Indian to appreciate the needs of the Indian students in the lower classes, and we have for the last twenty years drifted without any settled policy in regard to Indian education in this country. I there-

fore suggest to Government that the Government of India be requested to lend an Indian educationalist of eminence—not an ordinary man who might easily put us in a difficult position—to advise Government in regard to Indian education after studying the question from all points of view. I hope the hon. Director of Education will give careful consideration to my suggestion, because it is very important from the point of view of the Indian community in this country.

One other point which perhaps may raise a controversy in certain quarters, and that is in regard to entry permits. We have noticed lately that even Indians who own businesses and properties in this country and have resided here for some years have been refused permits to enter. There are some people who were born in this country, and who went to India about four or five years ago and who were unable to secure return passages, they have been refused permission to enter the Colony. It should be realized that in 1940 some Indians were seriously advised to go to India in the circumstances prevailing then. Most of those who had gone to India in 1938 or 1939 did not think of returning, and in 1942 there was a position when Government advised the Indian leaders to advise the members of the Indian community to go to India if they could arrange to do so. Therefore those who had gone to India earlier did not necessarily come back soon. Time after time we saw the Director of Man Power and made suggestions in regard to this matter, and it must say in fairness to him that he appreciated our point of view, that in such cases entry permits should be provided. But the present application form for an entry permit is defective. It only permits those who can obtain employment in this country under contract for a certain period to come in. The form should be amended, so as to provide for the entry of those who were normally resident here. By this I suggest that anyone who lived in this country, not under a conditional permit should be allowed to enter, otherwise he should be treated as a non-resident.

We have one other great complaint. The Indian Elected Members' Organization made the suggestion to Government that at least two committees should be appointed, one in Mombasa and one in Nairobi, to advise the district commis-

[Mr. Patel]

sioners in making recommendations as to persons who should be allowed to enter the country and who should not, because as it happens those officials are overworked and cannot make proper investigations, and I have noticed myself that people who were entitled under the spirit of the assurances given to us to re-enter the country, have been refused permission. I suggest that, instead of leaving the whole burden of decisions to the two district commissioners and Director of Man Power there should be two committees of Indians appointed at these centres to advise the District Commissioners and, if necessary, the Director of Man Power, in regard to the entry permits to be granted various Indians. There is another point also about which we have spoken in this Council, but in the time of strong prejudice with which the whole question was considered by certain members of the Council it did not get proper consideration. That is, in regard to inter-territorial movement. If I could quote an instance, an Indian living in Zanzibar came to Mombasa, and was employed by an Indian dairy. He worked for eighteen months, and then wanted to get his family from Zanzibar—his wife and five children—but that permission was refused. The Indian Association at Mombasa had correspondence, but the permit was refused. The Indian Elected Members' Organization made suggestions to Government and submitted that it was no fun for the man to have to carry on two houses, one in Mombasa and one in Zanzibar, and that if in East Africa we were pooling our reserves of food and other things there was no fun in restricting so strictly the movement from one territory to another. It is different if in the administration of the regulations permission to new people from overseas is refused, but when Tanganyika is supplying us with rice, ghee and other things, and Kenya is sending sugar to Tanganyika, and so on, and we are inter-dependent in regard to food, I do not think there is any fun in asking a poor man to have a house in Mombasa and at the same time maintain a family in Zanzibar. Steps should be taken to amend the Defence Regulations to allow free inter-territorial movement.

One other point I desire to raise is in regard to Indian clerks and artisans who

are working under the Reserved Occupations Regulations. As the end of the war with Germany comes in sight, most of these people will perhaps be discharged sooner than we expect. They themselves cannot leave the service to-day even if they desire to go back to India, because they are working under those regulations and cannot leave without permission of the Director of Man Power. If some or all are discharged from the service and are not then required, the responsibility of the Government will, in my submission, be to see that they either get employment or facilities are provided for them to go back to India if they so desire. As hon. members are aware, it is difficult for those people when discharged to get a passage to India, and without any employment in this country it is difficult for them to maintain themselves, and when they have served in a reserved occupation for a long time it is the moral duty of Government to see they either get employment here or facilities provided for their return to India if they so desire. While on that point, the hon. Member for Nairobi South raised a very important matter, and that was in regard to the need for replacing foreigners in employment by persons of British origin. Government by persons of British origin. It has that point the Indian community also has a very big complaint. Instead of British Indians getting employment they find they are replaced by foreigners. That is what we are given to understand. If that is so, I submit that when there was a great necessity for Indian clerks and artisans and the Indian leaders were asked not only to conscript them but to induce them to come from India, and now that foreigners can do the work at a very low price, these Indians are being replaced by foreigners, and I consider it is a breach of moral responsibility by Government. If my information is correct, I request Government to take steps immediately to rectify it. If my information is incorrect, I would like to have a clear answer from Government about the position of Indian clerks and artisans.

Having said that in regard to medical facilities, education, and the settlement of Indian youths on the land, I submit it is quite clear that these are points which we have been pressing year after year during the budget sessions, and we still find to-day in this very big document that no satisfactory provision has been

[Mr. Patel] made for these matters to satisfy very urgent and elementary needs of the Indian community. Therefore I submit, and I request members of the Standing Finance Committee to give some careful consideration to these matters and, in the interests of justice, to consider the needs of all sections of the population, and provide at least these things for the Indian community. One, as I suggested, is Indian staffs for the hospitals; two, the appointment of an Indian land settlement officer; and three, provision for buildings for Indian education. Having said these things for the Indian community, I desire to say a few things for the coast area which I have the honour to represent. Again I shall perhaps be told from the Government benches that all possible efforts have been made to develop the coast but that nothing more can be done because there is lack of water and of sufficient population on the coast, but it should be quite clear to any impartial observer that the coast has not received the consideration it should. As the headquarters of Government are situated in Nairobi, and as the settled area of the Highlands is able to exercise a greater influence than the coast can ever dream of, we have received no particular attention about our needs. I hope that the Provincial Commissioner of the coast, in putting forward his five-year plans, will make some practical suggestions for the development of the coast and that they will receive consideration from Government. In particular, I desire that immediate steps should be taken to do two things. One is to make provision for water, and the other is to encourage the production of milk and of fruit-growing on the coast. We have been told time after time that fruit-growing on the coast can be a paying proposition, and it will be for Government to do something in the matter so that the development of the coast can go ahead.

I think it will be admitted perhaps by the Commissioner for Local Government that the Mombasa Municipal Board has always been second on the list of any schemes proposed by Government, either for native housing or for Asian housing or for any other schemes which may be proposed. I understand from a very influential member of the Mombasa Municipal Board that in regard to roads even, whenever they put forward a

scheme for the construction of roads of a higher standard, they do not get a contribution on that level; it is generally turned down by Government on the ground of expense, and therefore the Mombasa Municipal Board, in order to ensure that the roads will last, pay the expenses from their own pocket.

In regard to Mombasa, the most important thing is the improvement of the old town. I understand from members of the Mombasa Municipal Board that it is impossible for the Board to provide the money for improving the old town, and that they have been placed in that position on account of a grave error on the part of Government. Government in 1926 or 1927 invited a town-planning expert, Mr. Jamieson, from South Africa to advise the Government on the general planning of Mombasa, and he then recommended that roads of 50-feet width should be laid down in the old town in order to improve it. Members of the then Town Planning Authority by a majority approved that there should be a 50-foot road, and Government turned it down and allowed only a 25-foot road. One of the important members of the Executive Council at the time is reported to have said that in an Indian town you did not need even a 25-foot road, and ultimately a 25-foot road was made. That is how the position stands at present. Buildings have been erected on both sides of that road which it will be difficult for the Mombasa Municipal Board to acquire now; they will have to pay very heavy compensation. In those days there was a very poor type of building; the majority of buildings were of a temporary type, with thatch as roofing, and it would have been very easy for the Mombasa Board to acquire the buildings and lay down good roads and improve the town. Owing to a grave error on the part of Government that has been made impossible, and I think it is now the moral duty of Government to shoulder the responsibility of improving the town, otherwise we shall have for ever to see the old type of town in the midst of the new Mombasa town—an eyesore to any outsider from overseas. It will reflect against the administration of this country if we allow the old town to exist as it is to-day, and unless Government is prepared now to finance a scheme for clearing the old town, it will be impossible for the Mombasa Board, even if they raised the rates

[Mr. Patel] as high as they could, to take the question in hand.

I must thank the hon. Financial Secretary for making reference to the wartime Controls and the necessity for keeping them under constant review. As a matter of fact I would go further, and say that as the end of the war with Germany is now in sight, we should now appoint a select committee of this Council to keep a constant watch over the Defence Regulations and the Controls and to submit to Government from time to time recommendations as to which Defence Regulations and Controls can be modified or amended or abolished. That is the only way in which watch can be kept against people with vested interests in the maintenance or continuance of those Controls sticking there and persuading Government that it is necessary to keep them longer than they are required. I therefore submit that a select committee of this Council should be appointed as a matter of urgency.

There is one other thing which refers to the Public Works Department, and that is in regard to water supplies in the small centres of the colony. One has to raise the question of these small centres, because they are never directly represented in this Council and they do not get the hearing they should, and therefore their grievances remain usually unattended to. In any five-year plan which the Government may adopt one of the most urgent necessities is to give good, clean, drinking water to the population of this country. Without doing so, we take any preventive medical measures will be to a certain extent null and void and we Indian members have heard time after time from centres where the Indian population has settled of the difficulty in many places to get easy access to drinking water in a clean state, and I hope that in any five-year plan this question will receive priority.

There is a matter which I raised last year in regard to prisons, my point being not that the prisoners should necessarily receive the treatment they receive outside, but at the same time there is an anomaly which has been overlooked by Government for a long time. That is that foreign subjects coming from Asia receive better treatment in regard to food and living conditions than British Indians. It was

pointed out by me last year, and still no steps have been taken to improve it. About four or five years ago when I visited the Mombasa Prison, I wrote in the visitors' book complaining bitterly against the discrimination made between foreigners from Asia and British Indians. The British Indian is given inferior food and inferior living conditions to the foreigners. This may be a very small matter but it is a matter of principle and it should not be ignored any more than it can be helped. The other thing which I desire to raise is in regard to the Indian employees of the Government who are not on Kenya Asian Civil Service terms of service; those whose service is treated as if it is of a temporary nature. Every Government employee who should have some consideration in regard to his future when he retires, and therefore there should be no Government employee who, when he retires from Government service, has no privileges either in the way of provident fund or any other scheme. I understand there are certain arisans in the Public Works Department who have been working for the last twenty years or more and whose position to-day is the same as if they were temporary members of the Government. I think that in Government service or in the Railway service steps should be taken to see that after twenty or twenty-five years of hard work when an employee retires he should not be in a position to starve.

There is another point which I cannot help referring to, though it may raise a certain amount of controversy in certain quarters, and that is in regard to district councils. It may be that the European members will not like the my referred members will not like, with these district councils are growing and as the vote provided in the Budget for the expenses of these district councils is also growing, I think I should be falling in my duty as a member of this Council if I did not put forward a correct picture about it. The Feetham Commission was appointed in 1926 to report on local government in this country. Every member of this Council will be aware that a recommendation was made that on every district council there should be at least one Indian appointed, but in uniform two Indians appointed to the Indian community at that time the Indian community did not take any keen interest and therefore that recommendation was overlooked, and except in the Nyanza Pro-

(Mr. Paid) since no Indian was appointed on any district council. Representations were made by the Indian community in 1933 or 1934, and Government then officially asked the Indian Congress to submit the names of Indians who might be appointed to these district councils. These names were forwarded, but we have not heard for the last ten years what happened after Government had received these names at its own invitation. I for one wish to register my strongest protest against Government not taking any action over the last ten years, and I am going to vote against that particular vote granted to district councils.

Before I alt down I should like to perform a very pleasant duty, and that is, to welcome to this Council the hon. member Mr. Mathu, the African representative. (Applause.) I extend a very hearty welcome to him on behalf of the Indian elected members, for this reason, that his appointment is an indication on behalf of His Majesty's Government that the development of this colony will be on the lines that all races will have an effective voice.

Mr. MATHU (Native Interests): Your Excellency, it has been pointed out to me from many quarters that my appointment to this Council is going to be a very difficult task for me. I have listened to Your Excellency's Communication from the Chair and I can quote some of the words you said it will show that I shall not accept this statement which has been made to me that I am going to have a very tough time as a member of the Kenya Legislative Council. What you said was that if we have a spirit of co-operation and of resolution it is likely that we shall further the progress and the welfare of this country. It is the wish of the African community to co-operate with the Government and with all those who take a share in the government of this country, and if we are agreed on that objective—that is the prosperity and welfare as you put it, sir, for all the peoples within this colony and protectorate—I cannot see why I should find this a very difficult job. (Applause.)

From that point I should like to refer to certain points which have been raised in the draft Estimates which are before Council now. I should like to make some brief observations on Head 10, Educa-

tion. The African in this country has, as far as educational provision is concerned, the least among all the communities, and when we look at this matter and look at the educational vote which has been estimated for next year at £108,411 for African education; no one could fall to see that that provision is inadequate. The position is a very serious one. Most of the African people in Kenya are illiterate and unless there is a very firm and determined policy as regards the education of the African people, that state of affairs is bound to continue for a very long time. I suggest that consideration be given to the institution of compulsory education for African children, in the first instance in such towns as Mombasa, Nairobi, Nakuru and Kisumu. There is provision for compulsory education for European children in Kenya, similarly for male Asian children in some of the towns, and I feel that the African people would welcome an attempt being made to provide compulsory education for African children in these towns in the first instance, then spreading throughout the country as the years go by.

We were discussing in this Council just recently a bill dealing with juveniles and juvenile delinquency, which has to be dealt with mainly in these towns. I believe it would be a very constructive policy if we put these young folk into schools before they got into wrong ways. There will be, of course, the problem of teachers. I think it was Bernard Shaw who said that "those who can, do, and those who cannot, teach". There cannot be a more appropriate description of the position in regard to teachers in African schools. The main point is the conditions of service obtaining for these African teachers, and I suggest that there should be a very close examination given to the improvement of the salary scales of these teachers and their conditions of service generally. That is elementary education. I should like to make a reference to secondary education. If elementary and primary education for Africans is inadequate it follows that secondary education too is inadequate. Some extension on these lines would be welcome. I should like to make particular reference to secondary education in the Coast Province. The Africans in the Coast Province have no secondary education now; they have no secondary school; and I think

(Mr. Mathu) it would be a very good thing if Government considered restoring secondary education for Africans in the Coast Province by re-opening the Shimolai-Tewa secondary school for Africans.

While I am dealing with the question of secondary education I should like to refer to items 57, 100, and 103 of Head 10 of the draft Estimates now before Council. In those three items you have provision for overseas scholarship schemes for (European) Indian and Goan children; a sum of £2,290 for European students, a sum of £1,310 for Indian students and a sum of £200 for Goan students. The position, as you see, is that there is no provision made for an overseas scholarship or overseas bursary for African students, and I should like, with your permission, sir, to make a very strong representation that very serious consideration be given to provision from public funds of overseas bursaries for African students.

The next point on education to which I should like to refer is the education of African women. The future of the African in this country will very much depend, as I have already suggested, on the progress he makes in education, and the education of the man without education of the woman I think is not going to take us very far. (Hear, hear.) I should like in this connection to welcome the appointment which was recently made by Government of a Superintendent of the Education of Woman and Girls, and I hope that the schemes which Government are considering of extending proper facilities for education for African girls will not only be for a very small number, but I should very much like to see large numbers of African women being encouraged to come to these schools. I know they are willing and it is only a question of making proper facilities, proper provision, for them and they will come. So that we shall have African women who will be able to look after and run the homes and look after and rear the children in a proper manner. As it is, the homes of the African people of this country leave very much to be desired, not because of the negligence on the part of the man but because of the ignorance which exists among our African women; and we should very much like to see a bolder policy adopted

by Government by giving our women training in domestic science, in hospital nursing and in looking after the children—mothercraft.

There is one more point on education to which I should like to refer. Under head 37, item 25, provision is made for £100 for the Nairobi evening continuation classes. I am a strong supporter of evening continuation classes, which are normally held only in Nairobi, and I think it is necessary that they should be extended to other towns and also to rural areas. The training in these schools should really be thorough; there should be no half-heartedness on the part of the teachers, nor on the part of the students for that matter. I think it is a very important beginning and we should give it every encouragement. £100 does not appear to me to be a very big sum. It may be that the Standing Finance Committee which is going to look into the Estimates might see whether something extra could not be given for his purpose. Under Head 37, item 24, there is provision for a grant to the Desai Memorial Library of £250. That is a very good thing, but I have been looking at the Punwani Library and I was wondering whether something like £300 could not be given to that library to get more books and even more papers and to make it really a very good library along similar lines. There is another point I want to mention on education, and that is to welcome the appointment which has been made for a training centre for blinded Africans. A sum of £1,240 has been provided for that and £350 for equipment. I think the Salvation Army should be warmly congratulated for making a start on helping the unfortunate blinded Africans to make their lives a bit more interesting. (Applause.)

My final point on education is that I feel the time has now arrived—and I hope the hon. Director of Education will take this matter into very serious consideration—when African Inspectors of Schools should be appointed. The African schools do require very close scrutiny, and I think the Africans, knowing the difficulties of the African much better than any other people, would be of greater assistance in improving the working of the schools, and I should like to suggest that someone should be made to make such appointments.

(Mr. Mathu)

I should like to refer next to the health services. Head 21 of the Estimates, and I should like to start with paragraph 135 of the memorandum, page 19: "Provision is made for a post of African Assistant Biochemist on Scale-D in the African Civil Service. It is proposed to appoint to the post an African university graduate who is employed in the Biochemical Section of the Medical Laboratory." The salary attached to this appointment is £170 and the African appointed is a university graduate, a bachelor of science of the University of South Africa. That appointment I think is a very good one, but the pay attached to it discourages the educated African to pursue higher studies. £170 for a university graduate is very small pay, and as he has been appointed on African Civil Service terms I might digress, with your permission, sir, to make a few remarks on the African Civil Service.

In your communication from the chair, sir, you did tell us something about the European Civil Service and something about the Asian Civil Service, but I did not hear what the position was in regard to the African Civil Service. Perhaps you are aware that there is existing at the present time a certain amount of dissatisfaction among the members of the African Civil Service, and there is a general demand that very serious consideration should be given to the inauguration of a non-European unified Civil Service. The anomaly which exists between the Services is very great, and I think it will help a great deal if we did have, as I have suggested, a unified non-European service. This is essential and is bound up with the question of a provident fund. The position of the African man serving with the Government is not very clear, and I should like this to be cleared up so that we know exactly where we are about this provident fund; when are the depositors to start contributing, and so on and so forth.

While I am on the African Civil Service I should like to refer to the question of Head 27, Police vote. It is provided that something in the neighbourhood of 2,000 African policemen will be required next year. I think that it can do with a number, and perhaps we can do with more, but the terms of service of the African policemen in Kenya do require

further examination. The African policeman has really a very hard time; he has a very difficult job. With the social changes going on in the country definitely there is some dislocation in various quarters, in various places, and the policeman has to be on duty 24 hours every day sometimes, and it is I think a job that does require better compensation than at present obtains in the Police Service. The policeman is a very important. If I may mention it, sir, one of the important characters and personalities that I was privileged to meet when I was in England was the English policeman. I think he was probably the most civilized person I have ever met. (Applause.) He is dignified, he is gentle, he is kind, and I should like those connected with African police training to try and produce out of the African— which I am sure can be done—such a gentle and civilized and kind person as the London policeman. (Applause.) It can be done because, if I may refer, as one English writer has said—I believe it was Addison in his Essays—"I consider a human soul without education like marble in the quarry, which shows none of its inherent beauties, until the skill of the polisher fetches out the colours, makes the surface shine, and discovers every ornamental cloud, spot and vein that runs through the body of it." The African policeman can be made a polished person through education.

If you will excuse my digression I will go back now to the Medical Department. I have suggested here that consideration be given to the pay of the highly educated Africans who are employed in the Medical Department, and I should like to mention here the position of the African assistant medical officers, that their pay should be considered, their conditions should be considered with a view to improving them, as provided in item 106 of Head 21, and further that consideration should be given to their being licensed under the Medical Practitioners Ordinance. I gather it is not possible to register such persons without university education, which is a strong case to support my suggestion that scholarships for Africans to go and study abroad should be provided so that we can have registered medical men who would be recognized by the medical people throughout the British Empire. (Hear, hear.)

(Mr. Mathu)

The question of hospitals for Africans, like the question of schools for Africans, is very difficult. The health of the African people in Kenya requires much to be done, and I have noticed that in the Estimates and in Your Excellency's Communication from the Chair, some provision has been provided for African hospitals throughout the Colony. That is most welcome, but owing to the large numbers of Africans who are living under unhealthy conditions I think there should be even a bolder policy for providing hospital facilities for Africans, perhaps gradually—until ultimately we shall have almost a hospital in every village. Taking the long view we can have a hospital eventually almost in every village, but at present you have miles and miles to walk to go from one hospital to another. It is true in the native land units and it is true in the settled areas, and I should very much like to see in the post-war plans a really comprehensive scheme for medical facilities for Africans in Kenya. That is bound up of course with the personnel who would be required to staff these hospitals. Makerere products can serve us for the time being, and we can ultimately produce more Makerere people to do medical work in our hospitals. At the same time, and I should like to see a very clear and definite policy for the training of African nurses to work in African hospitals. It is a very important service, and actually I am disturbed at present about the young African woman who comes out of school or comes out of her home and goes out into the world without anything to do. You will realize the danger of such a situation, and it is important that we should give them proper employment so that they may not get into bad ways, and it is important that their service conditions should be attractive. Sh. 25 a month for an African girl in Nairobi, or even Sh. 30 for an African girl working in a hospital, is a sum that cannot support her, and really more attractive service conditions should be provided for these African nurses.

I should like to refer to Head 4, Agricultural Department. African services are estimated to cost next year some £39,275. It is an estimate which has been increased by some £9,000 odd over the 1944 Estimates. The increase is welcome,

but taking into consideration the agricultural position of the African people in Kenya I doubt whether this sum will serve its purpose very well, and I should like to suggest to the Standing Finance Committee that they should consider whether they cannot make better provision, particularly, and I shall refer to this later, in regard to the soil conservation service which ought to do much more than they are doing now. In Your Excellency's communication from the Chair you did give us an idea of the position in regard to European production, agricultural production in the European areas, and you did say that it is governed by the Increased Production of Crops Ordinance, under which production is stimulated by means of grants, subsidies and other financial assistance. I think this is a grand thing, but I should have liked to hear what you have done as regards agricultural production by Africans. I am sure that the Africans during this war have contributed a great deal in producing what the requirements in the way of foodstuffs and other kinds of production, and I should have liked to hear what the Government's views were on that. The other point you referred to was that it was Government's intention to encourage maize production and to create a sense of security among maize producers, and that non-African maize had to be granted Sh. 7/50 per acre and a guaranteed minimum price of Sh. 12 per bag. I should have liked to hear what you thought about the position regarding African maize. I feel that maize is maize, and if maize is produced by an African farmer I think he should get the same assistance as anybody else. In that connexion I should like to mention the grants which have been made to European farmers under Head 4, items 4, 5, 6 and 7. I have no objection to these grants; it is a very good thing. My point is just making reference to this was to draw attention to the fact that if we are working for the prosperity and welfare of all the inhabitants of this Colony and Protectorate, it is just that we should help every member of the community on similar lines and that some encouragement should be given to African farmers by some sort of assistance such as that provided for the European farmer, namely, for breaking land, a subsidy for fertilizers, guarantees to farmers, sub-

[Mr. Malhu] diets for acreages, some similar thing should be adopted to help the African farmer.

Another point I should like to refer to is the soil conservation service. Head 4, sub-head 7. Provision is made there for £19,000 odd for next year for the soil conservation service. I think, as the hon. member for Nairobi South suggested, that we have been behind the times in looking after our soil, that we ought to have seen this before. We did not, but we are not too late. I think that with resolve and determination we can save our soil from complete deterioration and I think that the way of doing that is to see that the soil conservation service is properly provided for financially, so that it can really be done, and in that connexion I should like to mention one minor point in connexion with the soil conservation service, namely that if better financial provision was given to the soil conservation service it might prevent African women going out to do the terracing and leaving the children by themselves, instead of getting the men to do the soil terracing. It may be a paid job, and even if it is not a paid job I think it is a job really which should be done by men and not so much by women.

The other point I want to refer to is the point that was raised by the hon. Member for Nairobi South, namely the labour situation. I agree with the hon. Member for Nairobi South that it is important that we should have a properly organized labour force, that we cannot have development without labour. This is obvious. On the other hand, I would like to suggest that we must at the same time accept the implications which go along with this labour force organization. It does mean that we will have to improve considerably the conditions of service of these labourers; it does mean in brief that we shall have to give them social insurance, to give them security of land. It does mean all these things, and it does mean that they will have to be properly looked after medically and that they are properly fed and their children properly educated. Unless we attach these implications to our demand for a properly organized labour force, I think it will be an easy thing to spoil the situation because the labourer after all is a human being, and he would expect humane

treatment in every way possible. Your Excellency mentioned in your Communication from the Chair that in Nairobi steps were taken to prevent the position of cheap labour. Labour is cheap because, as you pointed out, the labourer accepts pay which is below the level of his subsistence. I should not like us to have a policy where the labourer will say "Yes, you give me Sh. 6 or Sh. 10, that will put me below my subsistence level and I am not going to accept it." That will bring us to a deadlock, and I think it important that the policy we adopt should be humane and should be just. We have not only to see that we get the labour out to work, that is not enough; we have to get them out to work and also give them what will make their lives tolerable. (Applause.)

In that connexion I should like to mention the squatter-position, only on one point, namely, that the squatters in Kenya to-day do require social services. The education of squatter children in Kenya has been very badly neglected, and I should like to see proper schools put up in the settled areas for those squatter children; I should like to see hospitals too for squatter children, with maternity wards attached for the women-folk.

I am getting near the end of my remarks. I would like to make reference to the Public Works Department provision in Head 32 about water supplies, just one point. I should like to draw the attention of hon. members and Government to the fact that the water supplies throughout the native land units do require examination. I know that provision has been made under the Colonial Development and Welfare Act, and I am sure that something will be done to improve the water supplies. There is only one particular case that I should like to mention in Council this morning. I have in mind the water problem obtaining in Rabai district of the Coast Province. The water situation there is a very serious one, and I should like to suggest that some steps be taken right now before waiting for the post-war plans to do something about the water supply of the people at Rabai. I should like to mention something about the appointment of the Economic Secretary. The African would like to look on this appointment as a very very welcome one. In fact, the economic backwardness of the African is

[Mr. Malhu] very clear, and the appointment of the Economic Secretary would gain the support of the African in every way if he could make some attempt to see that the economic position of the African is improved. How is it going to be done? He should give better facilities for African farmers and traders to be able to buy and sell merchandise and other goods with a view to improving their economic position. I hope that such organizations as co-operative societies which we hope will be introduced in the near future will be encouraged to help the African farmer and African trader into a better economic position. One more point, under Head 34, the demobilization and reabsorption of Service personnel. £100,000 is to be provided, and I should like to suggest that the African soldier is a bit disturbed. I have received quite a number of letters from them asking what their future is. I do hope that Government is considering putting up plans pretty soon so that the demobilized African soldier may know what employment he is going to get and what terms of service he is going to have.

Finally, Head 3, Administration. I think that the administration of this country would be very greatly helped if we decided to train and appoint Africans as district officers. District officers who are working in the native reserves have a very hard time. I have been in touch with them from time to time and know their work is difficult and that they cannot do it all because it is too much for them. I think it would ease matters greatly if we had African district officers. There is a precedent in the case of West Africa, where they not only have African district officers but also commissioners, and it would be a step forward if we could make such appointments. (Applause.)

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 23rd November, 1944, at 10 a.m.

Thursday, 23rd November, 1944.

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 23rd November, 1944. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 22nd November, 1944, were confirmed.

DRAFT ESTIMATES, 1945

REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

MR. SHERIFF ABDULLA SALIM (Arab Interests): Your Excellency, it has been my practice in the past to criticize Government for their policy towards the Arab community. This year I am not inclined to do so, for the simple reason that I do not know the outcome of the meeting which Arabs had with Sir Henry Moore and the hon. Chief Native Commissioner at Mombasa last month. At that meeting the Arabs put up all their outstanding grievances before Sir Henry Moore with the request that he should try and deal with them before his departure.

MR. TROUGHTON: Your Excellency, on a point of order, could the hon. member speak a little louder? Members here have great difficulty in hearing.

MR. SHERIFF ABDULLA SALIM: At that meeting, as far as I remember, Sir Henry Moore agreed to several of the points raised, as he had no time to go into the matter, and asked a Chief Native Commissioner to deal with them when he came up to Nairobi, and I should be glad to know if anything has been done about those grievances yet.

Turning to the Estimates, I am glad to see that my hon. friend Mr. Patel raised the question of a group hospital in Mombasa. I also am very much disappointed to find that no provision is made in the estimates for the building of a group hospital at Mombasa. The present hospital to my mind is in a disgraceful state; additional accommodation is very necessary. On many occasions—I have seen it myself with my own eyes—patients have had to be turned out of that hospital because there was no

IAN, Sheriff Abdulla Salim] accommodation available. It is only serious cases that are admitted to the hospital and they may be put somewhere on the veranda, where they are seen by everybody who goes into the hospital. I should also like to endorse what my hon. friend Mr. Patel said in regard to the state of affairs at the Mombasa hospital, and to say that I am entirely in agreement with him as regards the appointment of a committee, which should consist of Indians, Arabs and Africans, to deal with the state of affairs so far as concerns the hospital accommodation and to deal with the complaints of the public as well as of patients at the hospital. There is only one point more I should like to refer to, and that is the question of education. I should like to say that I had intended to speak at length on this question of education, but the hon. Director of Education will recognize that a great deal of fire has been taken from what I had to say by the great increase that has been made in the Education vote. Your Excellency, before I sit down, I would like to congratulate the hon. member Mr. Mathu for the very interesting speech he made in Council yesterday.

Mr. NICO (Mombasa): Your Excellency, the hon. Financial Secretary states that the Estimates of revenue for 1945 are not over-optimistic. I think it is very dangerous to assume that the Customs estimates are likely to keep up in the way they have done during the current year, and I think we should realize that we have been exceedingly lucky in the past in that ships carrying goods to these territories have got through. When the war in Europe ends, shipping—and a vast amount of shipping—is going to be required to take foodstuffs and consumer goods to liberated countries, and the same applies also as the war in the Far East develops. Therefore it is quite possible that shipping may not be available to come here, and I therefore think that we would be well advised to be very cautious in anything we do in regard to showing over-optimism in regard to customs duties. With regard to customs, I should like to ask the hon. Commissioner of Customs if the Trade Report can really be turned into a useful document, if fully realized that the vital error of closing the Statistical Department in the past may be proving a handicap to

him to-day, but at the present moment, as far as importations are concerned, you have omnibus classifications such as machinery, spare parts, chemicals, and that means nothing at all. What we want is for the classifications to be split up into principal and subsidiary importations. For example, in regard to importations by parcel post, a figure of a million pounds is shown in the Trade Report; how much of that is piece goods? Also, it might be that as our quotas of imports of piece goods are based on shipping, we may be short in our quota. It may be argued on the other hand that we are getting too much, but I do not think that it is possible in view of the size of that figure.

In regard to the hon. member's remarks in respect of the Colonial Development Fund grants, I think we all welcome these. In regard to the balance of the excess profits tax fund, my own idea is that we should apply that to development out here and so save a certain amount of call on the Home taxpayer. Development schemes for the future will require organized labour, and I do want to support absolutely to the full what was said yesterday by the hon. Member for Nairobi South: This question is definitely the responsibility of Government, and Government must accept that responsibility. I should like to say a few words on the subject of our public debt. When you take away the loans on behalf of the Railway, the public debt of this Colony is just about four million pounds. I think that that is evidence in itself that this Colony in the past has been starved of funds, and when people at home turn round and say, "Oh, you are not doing anything in Kenya; you do not do this and you do not do that", I think our reply is, "Well, you haven't let us". The responsibility must be accepted by the Houses of Parliament at home, and I am very glad to see that there is an awakening now and people are becoming colony-conscious.

I agree with the hon. Financial Secretary that Price Control and Imports Control will have to be continued in the future, but for the very shortest possible time. The public on these issues are like the people at home, getting heartily sick of State control; one sees evidence of this by every mail. I agree with the hon. Member for Nairobi South when he said that people must not think that they are

[Mr. Nicol] posts provided for. I should like to know whether the bodies are available, or whether they have just been put in in the hope that it will be possible to get hold of somebody. The Education Department is another department which has made provision for additional posts. I now turn to Head 4n, which is Agricultural Production and Settlement Board Extraordinary, Item 11. Taveta and Ziway Schemes. I would ask whether any satisfactory arrangement has yet been come to with the company concerned, particularly in regard to Ziway.

I now come to education for women. Head 10, Item 14. I hope that the hon. Director of Education will be able to give us some details in regard to his proposals for the education of women and girls. I am perfectly convinced that the development of this country will be held up considerably if the problem of educating African women and girls is put off. After all, the main thing we have to do is to see that the standard of living is improved, and you will only do that by educating the women to desire a better standard of living, and they will soon see that their husbands work to provide them with that increased standard of living. We have a long way to go. It is a very important point, and I do hope we shall be given some information during this debate as to what the proposals are. Item 121 of the Education Department vote is on the subject of bursaries and it says here: "An additional £60 is provided with a view to sending a larger number of candidates to Zanzibar for training". I should like to know what large number could be sent to Zanzibar for training for £60. I shall be coming back to the Education Department again a little bit later.

I would ask hon. members to turn for a moment to Head 4, Agricultural Department, item 4 where the figure of £400 is shown for an assistant to the Director. I ask you! Will that salary attract a man of sufficient calibre to make the hon. Director of Agriculture happy that the routine work will be efficiently carried out? I should have thought that for a man on that particular salary the title "Director of Agriculture's Clerk" would be better. Under item 62 of the same vote there is "Agricultural Assistant (Makerere trained) £102". I want to ask is there a salary scale attached to that appointment because, if not, it works out at approximately £8 a month—Sh. 166 a month—and I suggest that is not particularly attractive to encourage people to work and become educated. This point was raised by the hon. member Mr. Mathu yesterday if, in my say so, a very excellent speech on which I would congratulate him, and I do feel we have got to consider this matter of paying educated Africans reasonable rates of pay to that the jobs will be attractive and encourage them to get on. Item 114 of the same vote makes provision for two additional posts of Assistant Agricultural Officer, Running right through the memorandum there are several additional

posts provided for. I should like to know whether the bodies are available, or whether they have just been put in in the hope that it will be possible to get hold of somebody. The Education Department is another department which has made provision for additional posts. I now turn to Head 4n, which is Agricultural Production and Settlement Board Extraordinary, Item 11. Taveta and Ziway Schemes. I would ask whether any satisfactory arrangement has yet been come to with the company concerned, particularly in regard to Ziway.

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The next point I want to take is the Inland Revenue head, Head 14, Item 6. Comment was made by the hon. Member for Nairobi South yesterday in this regard, and I personally think that if an investigating department is necessary now, it will certainly be necessary always, and we must have an investigating accountant, probably more than one, but I should like to know whether this investigating department is being paid entirely by Kenya or it is a communal servant by Kenya or the territories and administered from here. Personally, I should say that an investigating accountant would be a

(Mr. Nicol) .
very good insurance policy in the future, and I hope that he will not be here for a short time as indicated in the memorandum. I welcome under Miscellaneous Head 33, £750 for the preservation of ancient monuments, but I should like to know whether anything has been done about preserving Gedi and any other archaeological places of interest throughout the Colony? It is most important from a tourist point of view. I shall come to tourism in a moment. In passing, paragraph 194 relating to the Prisons Department refers to the likelihood of the prison population increasing. That does not seem to tie up with your speech the other day, sir, and there may be some confusion on this matter, so that I should like to know more about it.

Miscellaneous Services, Item 5: Once again £1,000 is put in the estimates for the development of tourist traffic. I should like to know what the position is, what is being done? Earlier this year a sub-committee of the Publicity Association submitted a memorandum and made certain recommendations, and I understand that that memorandum has been in the hands of Government for some little time. I believe I am correct in saying that Tanganyika and Uganda have already had a committee sitting for some time on tourist traffic, and I believe their proposals are fairly well advanced. I suggest we ought to have a local committee which eventually should tie up with an inter-territorial committee, because this matter of tourist traffic must essentially be on an East African basis and not just a sort of local departmental affair. The question of tourist traffic can once again be an important export, and a paper which came from home the other day rather lays stress on this. I would crave your indulgence while I just read three lines: "Britain could have a £100,000,000 tourist industry after the war, if she set about getting it, instead of the twenty to thirty millions a year she had in the nineteen-thirties". I think it is indicative enough that we can turn a tourist traffic in this country, with its amenities and wonderful climate, into a very valuable export. I would like to suggest the possibility of making it a bit easier for tourists in some ways. For example, I understand that East Africans who wish to go for a holiday to the Belgian Congo have the passport arrangements

made very easy for them, to encourage the tourist traffic. The Belgian Congo fully realizes the value of that traffic. I would like to suggest that something of a reciprocal nature might be investigated, to see whether we cannot get some of their tourists here.

Tourist traffic is a question of roads. In 1932 the Colony had a road engineer, and he was got rid of at the time of the depression, and if he had not been got rid of perhaps we might have had better roads to-day. The recent experiment of appointing a road engineer from the Public Works Department has, I submit, proved a failure. Probably we cannot blame the Government as he most likely has not had sufficient training or knowledge, but, sir, we are unanimous that the existing arrangements are most unsatisfactory, and we are all tired of the hon. Director of Public Works getting up year after year and making excuses. If he has not got the staff that can deliver the goods he has to get them, and I am going to ask my hon. friend the Director a straight question: Does the hon. Director feel proud of our Kenya roads to-day? (Laughter.) He will be hearing more about roads. I have no doubt, from other hon. members before leaving roads, I should like to ask: When about the Tanga road, when are we likely to see some results and, for my own information, is the Tanganyika Government going to make up its end of the road?

Now, Miscellaneous Services, item 26. This is the distinguished visitors vote, £50. I am going to suggest that this figure be altered to £2,500, and that as a real earnest that we do want people to come out from home and visit us. I suggest that if we had that money we could write to Mr. Creech-Jones and invite him to come out here at the Colony's expense. I am certain that not only would it do him a lot of good but us, and I for one would welcome a visit from such a man as he. I think we were all very disappointed when we were all very disappointed with the Police Terms of Service report, and I submit that the report had their terms of reference too limited, because notwithstanding the findings of that committee there is still much discontent in the Police Force to-day, and we had evidence of it yesterday when the hon. member Mr. Mathu made reference to the African section; I have no doubt that later on the hon. member

(Mr. Nicol)
Mr. Shamsud-Deen, as he does every year, will be raising the question as far as the Asians are concerned. As has been said many times, a policeman's job is a 24-hour a day job, and these officers, no matter who they are, particularly the lower-paid ones, are placed in a position of possibly being tempted with bribes. It is most unsatisfactory that such a position should exist, and I do submit that these complaints are genuine and should be examined, and I am going to ask that another committee, with wide terms of reference, be appointed to go into the affairs of the whole Force or that three committees should go into the different components of the Force. If my request is granted, I should like it to be made perfectly clear that memoranda should be submitted to the secretary of such committee and that they should not have to pass through the Commissioner's office, because if memoranda have to pass through his office first members of the Force are naturally somewhat alarmed that they may be subject to reprimand. It is perfectly true to say that in Kenya anyway a policeman's lot is not a happy one.

I have been asked by the Mombasa branch of the East Africa Women's League to raise a point. We have been very perturbed in Mombasa for some time in regard to the very dangerous driving, and bad driving at that, and I am not pinning it on any particular race. There are some extraordinarily bad European drivers, very bad Indian drivers, and very bad African drivers. The League have discussed this matter with the police in Mombasa, who have been very sympathetic, but they have not got sufficient staff to maintain order and keep down crime and at the same time run a trading branch. The E.A.W.L. have suggested that the men and women, approved by the police, should be appointed as, shall we call them, official watchers; they would report to the police, and people who offended would be dealt with by the police and probably be taken to court afterwards. They would work in pairs and so there would be witnesses to any misdemeanour. A second suggestion is that there should be an annual test before a driving licence is renewed in traffic signals. Some of these people you probably suffer from up here, they are most indetermined signal-

lers, for you do not know whether a person is going to the right or merely flicking the ash off a cigarette, and a lot of the near accidents and accidents to-day suffered are caused by people improperly versed in traffic signals. A third point is that there should be much more deterrent sentences for motor offences. At the present moment, sometimes a person is let off with a caution or a Sh. 5 fine, whereas at home traffic offences are taken seriously and very often there is imprisonment without the option. I do not see why we should not start off on those lines, and so see that there is a deterrent. I would say that I am afraid that in Mombasa particularly the African lorry drivers of the Navy and Army are extremely dangerous. They do not realize the power they have under the bonnets of their engines, the vehicles are enormous and go crashing along at incredible speeds. But I am not pinning dangerous driving on them only—there are many bad Europeans as they are up here. I got the scare of my life last Saturday on the Ngong Road from some European drivers.

Head 40, War Expenditure Civil, item 31. I should like to know whether that one line vote of £75,443 for the Commodity Distribution Boards is made up—is it all salaries? On this particular point the East Africa Co-operative Society, Ltd., which has recently been formed in Mombasa, got going. It will be remembered, after a period of delay due to the necessity of amending the legislation. They comprise at the moment 341 members, and more are likely to join when the shop is opened. It really started at the time when the distribution of essential foodstuffs was not too good, and they offered to help, but could not get into their stride because the necessary legislation had not been made. They recently again put in to handle their own ration commodities for their members, but the Central Distribution Board up here has turned them down. The people in Mombasa are very much incensed at this action. The Mombasa Civilian Residents Association, which is a separate body, warmly supports the Co-operative Society's request. I may say that the Co-operative Society have already spent somewhere in the region of £250 on preliminary expenses and further sums in stock, the actual figure I have not got. It has been sug-

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gested by the Central Board that if they allow the society to deal in rationed goods this would lead to innumerable applications from other organizations to set up retail shops. I suggest that other organizations do not comply with co-operative societies requirements under the law, and a point which may have been overlooked, and probably is, is that this society will deal with its members only. I therefore ask Government to reconsider this matter and override the decision of the Central Board. After all, I do think that in a matter like this the will and wishes of the people must be taken into consideration.

To come back to education for a moment, I think we are all aware of the lack of accommodation, but I was horrified to hear that the estimate for a new school at Nyeri is put down at approximately £250,000. I think that is absolute nonsense, and I do feel that as far as buildings of an educational nature are concerned they could very well be put out to contract, and I am perfectly certain good contractors could be found to put up suitable buildings at far less cost than the Public Works Department estimate. I think I am correct in saying that in other colonies such work is generally put out to contract. In regard to the shortage of accommodation, I want to make a suggestion. The Loreto Convent in Nairobi is now occupied by the W.T.S., and it would I think be very much welcomed back as a school by its owners, or perhaps Government could make use of the other accommodation found for the W.T.S. There are considerable buildings for quarters on the old civil aerodrome, at present occupied by the R.N.A.S., which were put up for a contingent of W.R.N.S. I suggest that the W.T.S. be moved from the Loreto Convent to the W.R.N.S. quarters, and so free the Convent for its legitimate purpose. It seems to me absolute nonsense that the buildings at the aerodrome should not be utilized. Again, in view of compulsory education, parents are put to a great deal of expense, particularly people from Mombasa, and I will give you an idea of what the position is in regard to the case of one of my constituents. Her small boy is now too old to go to the primary school there, and she has been able to get him to school, insofar as schooling is concerned, at St. Mary's in

Nairobi, but not as a boarder. Board has had to be arranged outside with the necessary transportation to and from school daily at a cost of approximately £15 per month. That is a very severe burden on parents, particularly parents with small incomes. Again, I think the European primary school in Mombasa ought to be enlarged. I understand that up to 1934 the Railway used to grant educational bonuses—not bonuses, education concessions. I should like to see them brought back into force. I really think we ought to have free rail traffic allowed for school children proceeding to school, and I believe that is the case so far as Uganda is concerned. While on the subject of schools, I heartily support the hon. member Mr. Patel in what he had to say about the Indian elementary school at Mombasa. My hon. friend the Member for the Coast and I the other day went round the schools together, and we agree with him that the building which is devoted to the education of these boys is disgraceful. It is filthy dirty, and I was told that the Public Works Department had said they could do nothing about cleaning it or whitewashing it. Whitewash is available at Mombasa, for so far as I am concerned, I am interested in producing it daily. (Laughter.) But I assume that as far as the Public Works Department is concerned that a contract given us would be too cheap!

Running through the Estimates is an item—war bonus. I have reason to know that this title is objectionable to Civil Servants, and I must say I rather agree. My dictionary describes "bonus" as follows: "Bonus is a sum paid to an employee over and above his stated pay in recognition of successful exertions". The object of the item "war bonus" is surely to mitigate the hardship of the increase in the cost of living, and when the Estimates come back I hope that that item will be cut and that it will be put down under the title of "Increased cost of living allowance". The Mundy report recommended the cost of living allowance which they recommended should come into force from 1st January, 1942. That recommendation was about the only one not accepted by the Government. I do not know why Government did not accept that recommendation, because it does not seem logical. The fact that there had been a rise in the cost of living was acknowledged by Govern-

[Mr. Nicol]

ment in that a cost of living allowance, possibly not a very scientific one, was brought in as from 1st January, 1944. The Civil Service, I know, are very sore on this point, and I would ask Government to reconsider this matter, and I think they have a very justifiable case. Another point which has worried Civil Servants is the question of leave, and I should like to ask Government if they will make a statement, to embrace the Railway as well, as to what their proposals are in regard to leave. There is a one-line vote for passages in the Estimates, but that does not tell us anything. I should like to suggest a Passage Priorities Committee be set up to consider applications of both unofficials and officials for home leave. I am referring mainly to accommodation by sea. There is a similar committee in existence in Tanganyika, and I understand it is working very well. Of course, on any such committee there would have to be unofficial representation.

I will now turn to another parochial matter, and that is the Lady Grigg Welfare Centre in Mombasa. There is a Government grant of £700 for that institution, and last week an extra £250. I think, was granted by the Standing Finance Committee to carry the home on to the end of the year. I should like to make an acknowledgment of that because the money was very badly needed, and we are grateful for it, having gone through so quickly. Just to give you an idea of the growth of the home. The Government grant in 1929 was £750, and they then had only three trainees, three African girls, learners in midwifery, and 42 patients. In 1943 they had a grant of £700 when there were 15 trainees and 604 patients, and from January this year to the end of October there were 18 trainees and 457 patients, and again this year's grant was £700, which was then put up to £950. Another source of revenue, and this is where I think it is entirely wrong, is that they have to rely on a grant from the beer taxation, which comes under a committee administering the funds. The other source of revenue for it has been the native district councils. This has now ceased. Kilifi, for example, cannot afford it. Teita is devoting its funds to malaria research, and Kavirondo do not give any reason at all. Again, the late Sir Ali bin Salim used to make a grant of £200 a

year, and that source has gone. There are three alternatives: one, for Government to take it over; two, that Government should increase the grant, and I have been asked to suggest for next year £1,500; and, the third is to close down. I think we are all agreed that that would be a very great tragedy indeed if that home were to close down. There are no facilities in the native hospital for maternity cases, and if we really have got native welfare at heart we cannot let it be closed down. There is no Government's responsibility and would urge Government to take it over.

We have heard a lot about the unsatisfactory state of the hospitals. The situation, as far as Europeans are concerned, in Mombasa, is also bad. The European hospital can only accommodate 12 patients, that is 9 males and 3 females, and I should like to remind hon. members that over and above the ordinary civil population we have quite a large number of merchant service personnel to look after in hospital. The Mombasa Nursing Home, therefore provides a very necessary want, but again they are short of funds. That is the only maternity centre incidentally, for Europeans on the island, and at the same time it has to be used for medical cases and convalescents. The Mombasa Nursing Home is not run as a profit earning machine, it is not run for the gain of any individual, and I want Government to take a real and proper interest in this home. Unfortunately, the Nursing Home is very small. It has only five beds and one other ward. One of the sisters is married and she may be leaving early in the new year, and a single sister is engaged, and accommodation will have to be provided for her, and that will lose another ward. We must maintain a staff of one matron and two sisters to run it; they did run it for some time with two sisters and it nearly killed them both. I might say that the sisters who are there are paid on a lower scale than the Government scale. The home at the present moment urgently requires a relief sister. We have asked Government to help, but we have not seen any genuine sense of desire to assist to find somebody as a relief. If no relief sister is found by the end of the year the home will have to close down probably for the month of March; it just literally cannot carry on.

What we require of course is a house where we can house the sisters and who

[Mr. Nicol] extend the number of wards in the home. The present accommodation is totally inadequate. For example, there is no proper sluice room or babies' room, and the babies now have to sleep in what at times is used as a box room. Government have said in reply to a question which was put by the Home Committee that in their post-war plans they are planning to make provision for maternity cases in the new hospital. It therefore comes down to the question whether it would be wise for the nursing home to build at this time. You may say "What about a temporary building?" But there again one could not speak at all; the Municipality will not allow it, and in any case there is no money with which we could build, and I would ask whether Government would be prepared to put up a loan free of interest. The Committee down there is in entire agreement that the Government should take over the home. The home is performing a job of work for Government and it doing a job of work which Government ought to undertake. For about the last six years, I think it is, Government have contributed £150 per annum and the Municipality have contributed £150 per annum, but for the first nine months of this year excess expenditure over revenue is already £200, and that is after allowing for those grants. Unless Government take the home over or the grant is considerably increased the home will definitely have to close down, and that would be a tragedy. I may say the fees are based on the Government fees, that is they are alightly lower than what is paid in Government hospitals, but in a Government hospital medical attention is generally thrown in with the fees, whereas in the nursing home the doctor's fees have to be paid.

I should like to raise the question of nurses' pensions. There is a pension scheme for nurses attached to Government hospitals, and I should like to see that extended to nurses who come to such places as the Mombasa Home or the Eldoret Hospital—all these hospitals which, although they are not run by Government, are in receipt of a Government grant. These nurses spend a number of years out here; they do not draw big salaries and they have nothing to look forward to when they go home, no pension, and the homes cannot afford to pay them pensions. I should like to see Gov-

ernment make a gesture towards these people.

I should like to say a word on the subject of the Public Relations Officer. This point was made by the hon. Member for Nairobi—South yesterday. I think the point he made was a good one because, despite the details which were given by you, sir, in your address, there is no evidence of any result at all in England, nor have we received any comment about the material made public. This point is one that has taken us four years now to get to, so far, and we are anxious to know whether there is at home any real organization in existence to make use in England of the material produced, either by the Information Office or by the Public Relations Officer. If there is such an organization then we would like details.

In conclusion, I would touch on one point which I think is a very important one which was made by the hon. member Mr. Mathu, and that is in regard to trade and Africans conducting their own trade. That will have at all times my very very fullest support. I think it is very important indeed for the development of this country and the development of the African that he should be encouraged to conduct his own trade. I have made the suggestion before, and that is that in the initial stages perhaps the scope of local native councils might be enlarged to enable them to be wholesale buyer and distributor to the various *dukas*. I think it is a very very important point and one which must be encouraged, particularly if we really have the development and welfare of the native at heart. I support the motion.

MR. COOKE: Your Excellency, I have an uneasy suspicion that a visitor from Mars had been in this hall yesterday he might have noticed in the somewhat exaggerated pause which followed the reference which the hon. Member for Nairobi South made to the Fish Control—a certain touch of irony which, in the circumstances, is slightly fishy, and if I had not had the assurance of the hon. member that he spoke with all sincerity—and of course, being a Nairobi businessman he must be believed—I would perhaps have thought he was dragging a red herring across the floor of this debate! (Mr. Nicol: Very fishy!)

[Mr. Cooke]

I, unlike a great many hon. members of this Council, have not yet made a close study of the estimates, because I feel on an occasion like this I can well leave that sort of thing to those distinguished economists who comprise the Standing Finance Committee! (Hear, hear.) I think there is a danger that if we indulge in too many details we lose sight of the wood for the trees—or the other way about! (Laughter.) Therefore, I propose to deal only with general aspects of the country's problems in the short space of time available to me. In a very sober Government document that was published last June was contained a very sombre statement that the soil of this country had lost something like 50 per cent of its fertility in the last two or three decades. Had a remark like that emanated from a humble person like myself, people would have been inclined to say "there is that wild Irishman making his wild statements again" (hear, hear), but, sir, it emanated from somebody much more important than myself, whom, with all respect, I might describe almost as a master of moderation and a very genius of under-statement, and that was no less distinguished a person than yourself, sir. (Laughter.) Therefore I feel that, if anything, a 50 per cent should be slightly increased.

HIS EXCELLENCY: On a point of explanation, I do not think the statement did emanate from myself. (Laughter.)

MR. COOKE: But I think, sir, with all due respect, the report bore the imprimatur of the Secretariat. As I said, this is to me a monstrous and indeed an almost criminal state of affairs, and for that reason, sir, I was I must say rather sorry to read your reference to the future position of the maize industry in this country in your address. I think you said that the maize acreage would be at least preserved during the next one or two years. That seems to me to cut right across the policy which I thought Kenya was pursuing and the rest of Africa was following, because if anything takes the fertility out of the soil surely it is maize, and if we are going on producing maize as we have been producing it for the last few years I suggest surely it would be better to go back to the old type of yellow maize, which is both more nutritious and easier to grow. If you are going to pre-

serve white maize, the inference is that you are going to continue this old evil practice of cash crops for export. In a very important report published in South Africa, and usually known as the Van der Elk report, the authors drew attention to the fact that South Africa had pursued a most unbalanced economy during the past 20 or 30 years. What they have taken from the gold mines, the gold they have taken from the earth, they have used to bolster up maize subsidies, and the report says that the mistake made was that farmers were not compelled to put back into the soil what they took out. So I would submit that any guarantees or subsidies in the future should make it mandatory that fertilizers and natural manures are put back into the soil.

When I get on my feet to talk about farming in this country I am very often told I am not a farmer, and it raises a certain amount of animosity among certain gentlemen on this side of Council because they think I am unfairly attacking the farmers of this country. Of course, I fully understand a great many farmers of this country are very good farmers. I have no doubt if I had the pleasure and privilege to go on the farm of the hon. Member for Taita West or the hon. Member for Rift Valley I would see babbling brooks, meandering streams and probably forest-clad hills and pigs and sows in the valleys; the fat kind would be knee-deep in succulent grass. But that is not a true picture all over the Colony, and when I criticize the farmers of this country I am, of course, criticizing the minority who do not carry out the obligations which they owe. I have suggested before and I suggest again, that the various boards in this country which are responsible for soil conservation should be combined in one; that is the Water Board and what is sometimes humorously called the Conservation Committee should be combined into one Natural Resources Board. I know the deep interest you, sir, have taken yourself in anti-soil erosion measures and we look upon you to give us a lead in this matter.

I now come to another point, and that is the increase of crime in this country. You, sir, said in your address that crime had decreased in Mombasa, but I doubt the statistics show that. Of course they do, you said so; but I do say, sir, that there is another side to that picture. A

(Mr. Cooke) of people in Mombasa and surrounding districts do not report crime nowadays because it is just useless to do so. I should like to pay a tribute to the Superintendent of Police who is in Mombasa at the moment; he has done extremely solid work, but he is understaffed, as my hon. friend the Member for Mombasa said. He is understaffed, or the police generally are understaffed, and there is a good deal of dissatisfaction in the police, and therefore you do not get the good results which you might otherwise get. I would just bring up one point, and that is that the Africans themselves in Mombasa, including a great many of your African civil servants, have offered their services to the Superintendent of Police as special police, and he took them through a very severe course and he told me himself they were going on very well. I heard before I left Mombasa—but I have not had an opportunity of checking up on this—that somebody or other had refused to issue uniforms. If that is true, it seems to me a deplorable state of affairs. There you have men giving up a lot of their time and pleasures to carry out good public service work who seem to be rebuffed in that manner. One of the greatest problems seems to me the problem of the old lag, or recidivist. I suggest the only way to deal with him is as we deal with these people years ago in England, and that is to deport him and his wife and family, if necessary, to some island on the East African Coast. Masfa suggests itself as a suitable place. I think that these old lags who are a source of crime in the country and who are a bad example to the other natives should be dealt with severely.

My next subject is a rather difficult and, to some extent, unpleasant one. It concerns a recent appointment in the Medical Department of this country. I may say to start with that I am a personal friend of both the gentlemen concerned and that I have had interviews and talks with both of them, so that they both know the attitude I am taking to-day. I am afraid I shall have to mention names. Dr. Lockhart has just been promoted to be Deputy Director of Medical Services, and Dr. Callanan, who was regarded as one in the running, has been passed over. The facts are these: Dr. Callanan and

Dr. Lockhart are the same age. Dr. Callanan is four years senior in the service and has been nine years in the Medical Headquarters. Dr. Lockhart has been nine months—or roughly that. It does seem to me a most remarkable thing that the Medical Department in nine years could not have made up their mind that the assistant to the Deputy was unfit for the post, and yet in nine months they can find out that Dr. Lockhart was just the man for the job. I do submit as a principle that when a man works for years in a department with loyalty and efficiency he should be considered, all other things being equal, as the ultimate successor when any post is vacant. Dr. Callanan, I think I am correct in saying, was warned—not warned, but it was pointed out—in the first six months or so that he was not prepared to take responsibility. But so far as I can gather that was the only black mark he received during the course of the last nine years, and therefore he was considerably surprised when he was informed of the decision—and I think I may say under somewhat discourteous circumstances. It is no reflection on the hon. Acting Director of Medical Services when I say he was informed rather suddenly that he was not getting the post and naturally he took it pretty badly. When people come to live in Nairobi at headquarters I do not think they do it for the good of their health. I think it would be erroneous to suppose that the hon. Acting Chief Secretary or the hon. Financial Secretary, or even the hon. Economic Secretary, enter the gloomy portals of the Secretariat and just sit on an office stool for the rest of their lives for pleasure. Of course they do it because in front of them is always dangling, if I may call it, the golden carrot of promotion and, like the quadruped in my metaphor—of course the association of ideas is not intended—they expect to get a feed of the carrot towards the end of their journey, and I think we can reasonably lay down the principle that everything else being equal seniority should prevail. I would suggest that there should be some sort of *ad hoc* committee to choose the candidates for higher appointments. My hon. friend the Attorney General knows that on the Civil Service Board, of which he and I are members, all applications for junior posts are very thoroughly

(Mr. Cooke) before the Board, and I think that is vetted by the Board, and I think that is the only way to get satisfaction. Reading the other day a pamphlet issued by a very senior civil servant in England, he makes the suggestion that there should be in England, too, an *ad hoc* committee of a few senior persons to choose the candidates for any position of importance.

Turning now to post-war reconstruction, I shall refer to the necessity for action in this country, and I know that necessity is shared both by Europeans and Africans. I think the first mistake made was to appoint as Chairman of the Reabsorption Board the busiest and most hardworking official in this country—and I may say perhaps the most tactful as well—the hon. Attorney General, and he will not I am sure regard it as any reflection on him when I say it is most unfair both on him and on the soldiers returning that the position should be such as it is. Then, of course, Mr. Hyde-Clarke, who was seconded to do the work of the Board, was taken away by my hon. friend (Major Cavendish-Bentinck), who seems to get a great deal of what he wants in this country, and he is only returning now to work. I think that is a monstrous state of affairs. Here we have the most important problem in front of us to-day, with the exception probably of soil erosion, and Government just plays about with it. The hon. Economic Secretary, whom I attempted to twit when he was not present a few months ago, has, I observe, succeeded in working himself upstairs as I said he would, in his robust way. With great unfairness to him Government have piled on his broad shoulders a mass of work which would be intolerable to anybody. As my hon. friend pointed out the other day, it is quite impossible for him to do the work, and I do submit that the recommendations of the Post-war Committee have been rather overlooked in this respect.

We recommended, if I may introduce the term, that a superman should be in charge of the three territories, for solution of the problems now is to get proper liaison between the three territories. That is one of the greatest difficulties, and is leading to delay, and unless we can get such a man it will be the same old question of *bada kidogo* for the next year or two. I visualize, as I have said

before, a man of great dynamic and vital energy, a sort of big business man, a man who will cut across precedent and go straight ahead without thinking of the snags that lie in the way. It is not the fault of Government officials—I was once myself—that they lead very cautious lives and are very often apt to delay giving decisions. In a matter like this, quick and accurate decisions are a vital necessity. It is a very good thing, I know, for an official to be prudent, but it is a very bad thing that he should use more prudence in his official life than he would use in his everyday life. If my hon. friends on the other side of Council used the same prudence in their everyday lives as in their official lives, they would be afraid to cross the street for fear of being run down by a bus and reluctant to go to sleep at night for fear of being assassinated by burglars! That is the position to-day. We have men of caution, men who like a certain amount of delay, in the position of men who should have great vital energy and determination. This is no reflection on the hon. Economic Secretary who, I think, is a very good choice for the position he is in at the moment.

Before I sit down, when I cast my eyes around this barn, I am afraid I have not been so successful in casting my voice around it. I think it is high time that we had a much more dignified place in which to meet. It gives an unfair advantage to gentlemen, like my hon. friend the Member for Mombasa, who have such strong vocal cords that they can be heard, but I am told that the rest of us, including myself, if I may use a homely expression, when we speak it sounds like the buzzing of a bee in a jam jar, quite a long distance away, and it is a very unfair tax on one's voice to have to shout in a place like this. I imagine there may be two reasons for continuing here. One is old association. I can imagine some kind of attachment to a lovely picture or an old building, but I cannot imagine much regard for an architectural monstrosity such as this building is. But, being a very suspicious person, I attribute a more sordid motive to the reason why we remain in this hall. Looking at a corner of the estimates I find that £300 a year is paid to the trustees of this hall, and I feel that the very large sum to pay for the hall which we use on such few occasions

[Mr. Cooke]

I do ask you, sir, to consider the practicability of moving into the Nairobi Municipal Council hall for the session which starts in January. People say it is not big enough, but with a friend I roughly measured it the other day and it seems to be big enough, and it has more amenities. I do hope that when the new Council chamber is built—and even though it is going to be very close to the Secretariat no objection I think will be taken on that score—that it will not be too large. Mr. Churchill said the other day that when the House of Commons it rebuilt it must be small, because a small building lends itself to swift interjections and interruptions, a sort of friendly atmosphere. I feel that very often when the hon. Member for Nyanza makes his witty asides it is unfair that we on this side should have the benefit of them while the gentlemen on the other side are deprived!

That is all I have got to say, and I heartily support the motion.

Mrs. WALKINS (Kiambu): Your Excellency, to-day I want to speak of first things first, the first thing being the land, which is fundamental to everything else. I am not going particularly to refer to the White Highlands because I think we have during the last two years learned quite a lot about our mistakes, and also I think we foresee, to a certain degree anyway, the needs of the future. There has been a Land Bill and the various settlement schemes and what I am going to refer to more particularly to native reserves. They have already been mentioned in the budget speeches, but I should like to clarify the position as I see it in and around the Kiambu constituency, and I think what holds there will probably hold for a greater part of the country. We have to consider various things as we look at the reserves. We have to consider the amount of land that is already so infertile that the population must be moved, and then what to do with the new landless; and then what to do with the old landless people. Then we have to consider the density of population on the land that still retains its fertility; we have to consider the number of squatters that may at any time be returned to the land to increase the overcrowding. There are the further items of over-zagging and the tendency towards individual land tenure on the one side with rather

large farms of about 100 acres of land or more, a sort of landlordism, and on the other towards fragmentation and over-zagging.

There is but one answer, I think, Your Excellency, although that answer falls into two parts, if we are going to tackle this problem. One is the entire reorganization of native agriculture of this country and the second is the introduction, immediately, of secondary industries in the reserves as well as outside them. The paramount need of this country is a rising scale or standard of native life, based on the improved achievements of the Africans themselves. You cannot do that without secondary industries, and I therefore want to ask the hon. Chief Native Commissioner and the hon. Director of Agriculture two questions which I very much hope they will answer. One is: "Do you visualize an entire reorganization of native agriculture in the immediate future?" The second question is: "Are you preparing during this coming year to start those secondary industries within and outside the reserves which are at present within our knowledge and within our grasp?" I see neither point sufficiently stressed in the budget. I shall be told, of course, to refer to the Colonial Development and Welfare Fund and, of course, I know that there are great sums there ready for spending on and concerning, so forth. But I do say that, unless you are prepared to face your problems wholly, unless you see the need for taking the burden off the overcrowded land, unless you are prepared to do these things now, the funds from the Colonial Development and Welfare Vote are just British taxpayer's good money thrown after bad, and we have no business to do it.

If you asked me what I mean by the reorganization of native agriculture, I would say that it means different things from the Coast to the Lake. No one system is possible for all the tribes or all the reserves, but I think that for the larger portions of this country collective and communal farming will have to be started, or co-operative farming; they are all a little different. They could be started slowly in different parts of different reserves, as could any other form of re-organizing farming. From those farms should be taken most of the droverly by mechanization, and some of the starving stock should be replaced by

[Mrs. Watkins]

better and fewer beasts, so that the surrounding natives on the old system, if indeed you could call it a system, would see better stock, better land, better living and more leisure, and then we could get the whole of the countryside under properly organized agriculture, at first under the agricultural officers until the natives were fit to stand on their own feet. I believe that is a good possibility.

At the same time we shall have to reabsorb the surplus population straight away into secondary industries. There are several secondary industries which we know are possible, and not only possible but enormously beneficial to the whole country. One of them is ceramics on the shores of the Great Lake Victoria Nyanza. If we can create one large pottery there to serve the whole of Eastern Africa it should be a flourishing industry very shortly, because we have at the moment a protected market. If we wait till the end of the war that market will be seized by some other country that hopes for just such a potential market that is growing in Africa, because as his standard of living rises so will the native want more household commodities—cups and saucers, plates and the rest of it—and we must seize that market now. We have an expert in this country, Mr. Campbell, he comes from our Midland pottery district and he knows what he is talking about, and he says it could be started at once. There is the related trade or industry of bricks and tiles, and there we should not have one great works, but several, for I visualize this country with different zones where factories may and should be started. The whole of the building trade should really be taken as a part of secondary industry. I want to say one word about these works first. I am very much hoping they will be initiated and run quite possibly by private enterprise, but certainly under Government control, for only Government can decide where those factories should be situated and which factories can best be started for the good of the whole community and not primarily for profit making. I am already rather apprehensive lest profits are going to take precedence of the solution of the land problem. It is a pity if we let that grand work which is being done by the Industrial Research Board simply benefit a few large firms connected with Nairobi,

or even for profit for the Government. It is not primarily profits I think we are after, and as I say I am apprehensive. The man in charge now of the Industrial Management Board has been described in this session already as a very experienced business man; he is that, but it does not lessen my apprehension. We need this country to be put on its feet industrially, and we cannot do it by running after profits all along the line. Far be it from me to deny the necessity for profits, but they should not be our first or even our ultimate objective. The people on the overcrowded land come first.

I want to take the term secondary industries in its widest sense. I would like to talk of the building trade at the moment, with all its enormous ramifications. Houses for Africans should be built by Africans. I think it is deplorable to see these great housing schemes all going down the same old channel; no opportunity taken to lift the burden from the land by urban housing schemes themselves; no native contractors being trained to take on the work for their own people. That is to me a tragedy. We should build slower; we should have native contractors on the job under British foremen to teach them how to do their own work, for on the housing of the future is based every step forward we want to take. Education even is wasted without decent houses for the people, and they will never get good homes if all the money you put into those homes is not going to circulate in this country, but is going to pour out again. I would like to see the Public Works Department training these native contractors, or even any other firm training native contractors to do that work, and I hope we will see that come. Also I should like to refer to one item also of cause and effect that you all know is true. Industries have a snowball effect. Where you put one industry immediately another springs up, even if it is only a laundry, and so factories and industries are not apt to collect together round each other. Also now we have sulphuric acid and we have caustic soda which in my ignorance, I am informed are the bases of very many other industries. This should be taken up, again not for profit-seeking, but to see where and how to give an alternative way of life to the majority of our native population. I say

[Mr. Watkins] majority advised, because I believe only 25 per cent of the population of any country can ultimately remain agriculturally employed if that country is to prosper. That is the position we are faced with and it is a very serious one indeed. I should like to refer to an experiment that has been made in America, and that has probably come to the notice of Your Excellency and to quite a lot of other hon. members, and that is that Ford, the great manufacturer, has placed in what he calls dead villages, dead country towns, part of his great industry—some small factories—and immediately the whole of that agricultural country has revived. You have got to have one foot in industry and one foot in agriculture to make a country prosperous, and I believe that is what we have got to do today.

Before I finish with this small point, Your Excellency, I very much welcome, I might almost call it a realistic reference, that was made to stabilized prices over a period of years ahead. I hope that is going to apply to all agriculture. I should very much like to see it applied to coffee, or anything else I am interested in (laughter) and also to native produce. The position, if I may refer to quite another matter, at the moment is this, that you have got a lot of coffee planters who are only frightened of a monopoly; they are not frightened really of control, but they are frightened of a monopoly, and I believe that if Your Excellency were to encourage the introduction through this Council of anti-monopolistic laws you would find the coffee world becoming unlifted almost at once. Of course, it is because they at the moment merely are suspicious of a monopoly, and of a monopoly they will remain suspicious until we have laws that will prevent the same damage happening here as has happened in the United States. With this question of marketing and prices and monopolies I would like to add a word in favour of the Live Stock Marketing Board for the surplus stock of this country continuing at the end of this year. I think it is very important indeed that we should regard surplus stock marketing as part of the ordinary farming practice of this country, and we should train the native races to do the same to prevent a certain amount of overstocking.

If I may refer for a moment to education, it is very closely related to all I have been saying on these other points, and because for an unpredictable period of time I suppose the white people will be the leaders in this country I should like to deal with white education first. We know the Nyeri school is coming and we should like to speed it on its way. I think the overcrowding in the schools at the moment is too bad to be allowed to continue. I have heard it referred to as the Nyeri school; I presume that site has been decided on and not the Marungu site. It does not matter to me where it is so long as we get the school. I want to welcome something not in the budget as far as I can see, but which I am told is hidden somewhere, and that is the "modern school" for girls and the girls' college. We want both very badly indeed. More particularly do I press for these because, as the only woman in this Council, I do feel that the girls in this Colony have had a very poor show in trying to get hold of some profession or training in life. A "modern school" will, I hope, give us, with the catering training department, trained caterers for our clubs, our hospitals, our schools. I think the education of this country, I mean so far as ultimate education is concerned, has not been related enough to the jobs that are going in this country or should be open to the girls of the country, and I should like to ask the hon. Director of Education whether he would consider with the other departments advising Government to give bursaries for the jobs he knows will be wanted in this country very shortly. I think all our bursaries should be related to the jobs we need out here; so that local people—our local sons and daughters—can take the jobs.

Native education. Your Excellency, I should when I think what remains to be done on the subject of native women's education, but we have got to make a start some time. I believe it is related to what I have just said about the native reserves being reorganized, because you cannot educate a beast of burden, and that is what the native women is unfortunately allowed to be at the present moment. She carries her hundredweight and a half—even up to two hundredweight of fuel, she carries water two or three miles; how can you hope to educate her while this is her life? Primary

[Mr. Watkins] education is not education, and I am very glad the hon. member Mr. Mathu the other day when he spoke on education did not mean just primary school education for the women; he meant domestic science, he meant mothercraft and all those other essential things, and I believe that is far more important at the moment than learning Shakespeare or any of the higher schoolings that can be got at the Alliance High School. I believe we ought to have bursaries for some of these native women, after their primary schooling, to go home, not to a college or a school, but to go and see how the ordinary British workingman's wife turns out her home and turns out her children and does her cooking, and does the whole thing. I believe that is what is wanted. They have to get the idea of our civilization. I do not pretend that our civilization is all it should be, but I do say it is the best we know and all we can offer. Nor do I quite realize, to my own shame, why we have not tackled this education for native women rather earlier. I do not know by what agency the race is supposed to advance on the male side alone, because nothing which has yet been invented by the human race has allowed the human race to progress without allowing the mothers to progress with it. Primary schooling should we think be the start, but it should be linked with all the other things, and there I want to say a word about farm schools. Many of us farmers would like collective schools in between our farms. I am one of those unfortunate people who over a period of 30 years have tried to get adequate teaching for such a school and over 30 years have failed. I have occasionally had a gentleman who called himself a teacher and spent most of his time in Nairobi. I want the Director of Education to let me know whether he can, by arrangement with the district Council or in any other way he sees fit, arrange for farm teachers to come out to our farms, for us to pay part of the teacher's pay, to supply the schools, books, boys and wherewithal, and if he would then supply the teachers for those schools we would pay a percentage, up to 50 per cent, and we would be glad to pay that amount.

Now I am going to make rather a revolutionary suggestion, and that is that

we badly need the Education Department reinforced. We need a Director of Women's Education on this Council. You may say there is no precedent for that proposal, but I see two legal gentlemen, I see two financial gentlemen, and I cannot see that education is any less important. I would like to see, at the time when no doubt Your Excellency will be considering the addition of another native member, perhaps for the Central Province on this side of Council, I should like to see the addition of a Director of Women's Education to take her place with the hon. Director of Education in this Council. The choice might have been difficult, but in this case the choice has already been made, for the adviser has been so excellent, so universally acclaimed, I think we should be safe in giving that adviser more executive capacity, a more executive position, and bringing another woman into this Council.

I want now to refer to one or two of the more optimistic parts of Your Excellency's speech. I am second to none in wanting good propaganda for Kenya, but I had not hitherto regarded the speech from the chair as one of its chief opportunities. The forestry commentary, for instance, Your Excellency has been provided with information that the replanting is keeping pace with the cutting. That, Your Excellency, is of course an entirely accurate statement, but it gives an entirely erroneous impression because the accurate statement refers only to licensed cutting that is taking place. What about the wanton destruction and the unlicensed cutting that is taking place all over this country, and not only the cutting but the burning? Are we keeping pace? Or are we replacing the magnificent muhogo and cedar forests with a few little scrubby bushes, because that is not replacement. I think we ought to have far more done on the forestry side.

I am interested in the Labour Advisory Board; I am bound to be and I must welcome it. The hon. member Mr. Mathu spoke very eloquently yesterday on the terms that should be given to the labour. I should like to say, having been in some way connected with the Labour Department over a good period of years, that I have never known any inhuman laws or inhuman treatment given. But one point he did not stress, and that is that

[Mrs. Watkins]. The remedy rests with the native himself. There is not one employer on this side of Council, and I do not think more than 5 per cent of the employers of this country, who would not be prepared to give them good pay, good housing and all the rest of it for good reliable man's work. (Hear, hear.) The point is that as soon as the standard of wages goes up a certain amount, the labour just sees how soon and how much they can decrease the *quid pro quo*, and that is what every employer is up against in this country. I suggest that it should be dealt with by education, and that education when given should be linked to technical and other apprenticeships. In this country primary schooling is often confused with education: it is not education, it does not begin to be real education. What you have to give the man is a sense of responsibility and a sense of work, and that Government has never yet given. So when we talk of the Labour Advisory Board, I should like to see a system of apprenticeship such as we have at home brought in for the young adolescent male, so that whatever else he learns, he will learn to stop at one job for two or three years and to do a proper amount of work at that job. That the native should be allowed to choose at what trade he should be trained is reasonable, but that he should be allowed to choose not to be trained at all and live on the community is not good.

There was another somewhat optimistic statement, Your Excellency, I think on the information supplied to you, and that relates to crime which has already been mentioned. I think Your Excellency said the police had had another busy year. Of course, that is very accurate! "But I am glad to be able to report that their efforts have met with considerable success." I hardly like to comment on that. "Crime is now on the decrease in Mombasa." Well, Your Excellency, I do not think that statement is related to the depressing realities of the case. Crime is enormously on the increase. We cannot tackle it as we would like to tackle it because it involves the military, and that is one of our difficulties. I am hoping within a few months to be in a position to put before this Council some suggestions, constructive suggestions, for the reorganization of our technical efforts to

deal with incipient gangsterism, because that is what we have got here to-day: it is not so very incipient either—it is with us. It needs more than active consideration, and as I am dealing with it later on I will not deal with it too much now, except to back up what the hon. Member for Nairobi South said about crime and the necessity for special police and about some black spots, in one of which I live—in Karura Forest (laughter)—or just outside it. A fat went forth the other day, I think it was from an august person called the G.O.C. that if anyone, a non-commissioned officer for instance, struck a native private he would be 'demoted in rank. The consequence was that there was a great game in one of the camps near my farm to see who could get the sergeant-major to strike him; they spat; they stamped; and they did everything they could and they only got C.B. (Laughter.) The next thing was I was concerned in it, Your Excellency, because the sergeant-major was living on our farm.

HIS EXCELLENCY: I do not know if the hon. member's remarks relate to the budget? (Laughter.)

MRS. WATKINS: Very much to the budget; they relate to the need for special police and C.I.D., Your Excellency. The next thing that happened.

HIS EXCELLENCY: I would ask the hon. member not to criticize the Military authorities or the Military forces in any remarks of hers.

MRS. WATKINS: The next thing that happened, Your Excellency, was that some members of the camp came over at half-past one one night and burnt down the sergeant-major's house with eight children in it, who were not burnt—they were brought out. Eight children under nine. We had a white witness on the farm who knew the men who were seen running away were from the camp, but he did not know which men. If that does not need special police—and not for white protection but for native protection—I do not know what does. I could quote hundreds of cases, but will merely leave it at that one. It is a very serious statement—and it is true. The house was burnt—the eight children were brought out by the help of an Italian prisoner

[Mrs. Watkins] who happened to be about at half-past one that night—and I do not know why!

I now want to turn to the budget for the Post Office. It is a magnificent budget, if only one could find the relevant facts which are not disclosed, and that is the charge made for services rendered—suppose halfpenny on every letter and no delivery, not even in the towns. The net result of that is, of course, that every firm, every member on this side of Council, and every firm in Nairobi keeps their own private postman, and I hesitate to think how many private postmen are paid by Government. I know, of course, that official letters are franked, but I know also that they have to have private postmen, and that is very serious on the man power. I suggest to the hon. Postmaster General that he might like to consider during next year whether he could not bring in for the towns—the four main towns—a postal delivery system, daily or twice daily. Then I should like the Labour Advisory Board to get on to this fact of private postmen for every firm in the towns. Of course, members on the other side of Council may be saying that it is to speed up the postal service because it takes four days to cross Nairobi, but I maintain there should be a proper way of speeding up the postal service, to do it in the post office and not for its all to have to keep our private postmen, which seems most unfair. I believe now we have reached the stage when we should have postal deliveries in the towns. I should also like to see a reduced rate of 10 cents on town letters and 15 cents for the country. I need not bore Council with the arguments in favour of cheap postage. We had them I think in the 60's; did we not, in England, and although I cannot claim to remember them I still know that the proof of the pudding was in the eating—Post Office profits soared and the whole service became efficient, and I should like to see that brought in here.

When all these, may I call them lesser things, are studied and perhaps some of them done, there still remains the land and the overcrowded people on the land. The hon. Chief Native Commissioner and the hon. Director of Agriculture have got a great responsibility. Let them face it. Let them be backed by all that we

know of science, by all we can give of finance and by the full support of this Council; but do not let us shelve it until our successors are overwhelmed in the avalanche.

MR. BEECHE: Your Excellency, I hope I shall not be accused of using a cliché if I congratulate the hon. Financial Secretary on his introduction of the budget, and thank him as a member of the Standing Finance Committee for having arranged the budget to reflect more closely the anticipated revenue and expenditure, so that we need not call on that committee to make throughout the year all sorts of very complicated adjustments difficult to assess in relation to the budget as a whole. Having said that, I should like to be allowed to say that, from the African point of view, the budget is somewhat unimaginative and not half so vivacious as the debate for the reference of the estimates to the Standing Finance Committee has been. I shall be called on, doubtless, to justify that phrase, but this, we trust, is the last budget before the defeat of Germany, and either the last, or the last but one, before the defeat of Japan and yet, as far as I am able, to determine from a fairly close reading of the memorandum and a close study of the budget itself, it in no way reflects that active organization for the return of men from the Forces that we had hoped to see.

In this Council it has been repeatedly said that now is the time for action, and several speakers on this particular motion have emphasized this. It is true there is one line vote of £100,000 which provides for demobilization and reabsorption. I would welcome the questions that were raised by the hon. Member for Nairobi South asking for an additional statement from Government of their intentions in respect of the use of that money. Since so little publicity was given to it in this country, many hon. members may not be aware of the very severe criticism this country suffered, and I think in this particular instance quite rightly, in the House of Lords debate earlier this year, on the 19th July, when on the motion by Lord Rennell of Rodd very considerable criticism was levelled against us for apparent lack of preparation for the return of men from the Forces. It has been my privilege to see quite a con-

[Mr. Beecher]

siderable number of letters coming from African soldiers serving this country in the various theatres of war, and in almost every one of them they asked questions about what is being done for their return. In the course of a discussion with various Government officers on this subject, one is met with excuses which can only be described as defeatist. One of the excuses with which I have been met is that the staffs are war weary. I submit, Your Excellency, that true as that may be, we in this country are not half as war weary as the men away from this country, fighting for us and expecting a good deal to be done for them, and such preparation, at this stage, is not apparent. This is, I think, the proper place to refer to the fact that in a previous generation this country was caught out on this particular issue. I refer to the lack of facilities that were provided for the proper social reabsorption of men who left the King's African Rifles at an earlier stage.

Earlier in this debate reference was made to that black spot not far from Nairobi, namely, Kibera. I have visited the place, and as a result of my visit made representations to Government that a proper and adequate water supply should be provided for the inhabitants of Kibera, and although arrangements have been made for some to use water from the police post the majority still remains unprovided with that small social need. I also made representations that they should receive adequate educational facilities. These people are Moslems. They asked, quite rightly, that they should be provided with teachers acceptable to themselves. They were provided with two Kamba teachers scarcely able to speak Swahili. The consequence was that the Moslems were unable to accept them, and the school closed down. I see no reference in the budget to any provision for amenities to be placed at the disposal of these people. I have during this session received further representations from them, and would ask Your Excellency yourself to accompany me on a visit to that place to see for yourself the deplorable conditions under which former ex-soldiers are having to live.

In reply to questions about activity, one is sometimes met with that funeral phrase "lack of bodies". It is perfectly

true that the staffs of this country have never been so depleted as they are at the present time, but I do not feel that we should allow the various departments to continue to be so under establishment as they so obviously are, at the present time and so apparently ill prepared to take up further responsibilities that will shortly be upon us. We are now engaged in total war, Total War is something more than defeating Germany and smashing Japan. We have got to win the peace, and we have got to persuade the Army, Navy, and Air Force authorities that, in order to do that, we must be doing something now and must be getting from the Forces men who are preparing to take over these arduous duties that we shall have to face when the war ends. And, instead of finding any reference to such activity in the memorandum on the budget, one finds a passage on page 4 to which the hon. Financial Secretary has referred already, which states: "As regards 5-year plans, these should reach the Secretariat from the provincial commissioners early in the new year and when they have been collated and co-ordinated with those of the heads of departments a great step forward will have been made towards furnishing the necessary data for a comprehensive plan for finance. Provision has been made under Forestry, Education, Medical and Public Works Extraordinary to provide for small initial expenditure in the 1945 estimates on items which will inevitably be needed in connexion with 5-year plans". That is all we can say in the sixth year of the war. I submit that this budget, in order to be imaginative, should have disclosed very considerably more by way of pre-5-year plan activity, and I cannot see that everything should be deferred to the halcyon days of peace when plans can be put out in Elysian tranquillity. I would remind hon. members that Elysium was supposed to be the home of the blessed departed. Our job is to make ready for the living. But the situation is not really serious beyond remedy. Take for example the Administration. I should like warmly to support the suggestion made by my colleague in Council yesterday to the effect that the time has more than come when there should be indicated in this budget a determination on the part of the Government of this Colony to appoint African cadets in the

[Mr. Beecher]

administration of this Colony. As to how they should be trained I would suggest that it is one of the duties that might reasonably fall to the hon. Chief Native Commissioner to secure their training, and as an exchange he might be relieved of attendance on some of those multifarious committees that engage so much of his time at present.

In passing, I would refer to a remark made some years ago now by Lord Hailey in his monumental report: "As compared with other administrations"—and he is speaking about this Colony—"British officers appear to be unduly occupied with routine work. Both in administrative and technical branches, the expansion of activity can only be secured by the employment of educated Africans". My colleague yesterday referred to the precedent already established for the employment of Africans such as administrative officers by stating that such a principle had been adopted in Nigeria. We in this country congratulate this Government in having established a precedent in that we have one Arab administrative cadet who has been appointed for work on the coast, and what can be done by an African in the Colony itself. In passing may I make reference to another matter which seems long overdue for attention? Year after year in this budget we see provision made for the Secretariat and for the administration associated with it. It would seem the time has come when the whole of that position ought to be reviewed in relation to man power and administration. Those of us who have had any experience of the administration connected with the African areas of the country realize the deep regret which is experienced far and wide when a promising administrative officer, just reaching the stage of considerable usefulness in a particular administrative area, is whisked off and incarcerated in the Secretariat. A number of such cases occur year after year, and I submit that attention to the whole of this man power question the interrelation of the Secretariat and Provincial Administration should be reconsidered. If there were a considerable devolution of Secretariat authority without any derogation of the powers of the Chief Secretary or any other senior officers of the Secretariat, if there were

a devolution of authority from the Secretariat on to the Provincial Administration, and the restoration to the latter thus reorganized of some of those promising young men, I submit that the development of African affairs in this Colony would go considerably forward. (Hear, hear.)

Before embarking on a detailed study of certain departmental estimates, there are five matters of general interest in relation to African affairs which arise quite naturally, and I submit legitimately, from a study of the budget as a whole. The first is concerned with Africans living in what one might call extra-tribal areas. I refer primarily to so called squatters and to the forest squatters. The hon. Member for Kiambu has already called attention of this Council to the lack of educational facilities provided for Africans employed as farm labour. She made a plea that such provision should be made, and made a very generous gesture, and suggested that many European farmers would be prepared to pay as much as 50 per cent of the cost of such schools. The question I should like to ask is: Why should the farmer be called on to make such a contribution? These Africans in the settled areas pay their taxes and make other contributions to the central revenue and get practically no direct return, and get practically no other social services for the taxes which they pay, and a reconsideration of the social services to be placed at the disposal of the African in the settled areas is, I submit, long overdue and not in any way reflected in the budget now before this Council. If that is true of the Africans living in the settled areas, it would seem to be even more true of the forest squatter. The forest squatter ekes out a miserable existence in circumstances in which most of us would be ashamed to live, and little or no provision is made for his social welfare. If we turn, however, to the estimates of revenue and expenditure of the Forest Department, we find a very revealing situation. The estimated revenue of the Forest Department in 1945 is in the region of £138,000 and the expenditure under the corresponding head is £57,000. The Forest Department, therefore, is continuing to be used as an exploiting department, and employed in that exploitation are these forest squatters; if it is a

[Mr. Beecher] revenue-earning department to the extent of some £81,000 the least that can be asked is that it should provide some social services to raise those squatters to some reasonable level of existence.

The second point which arises from a general study of this budget is that of housing. Again I would welcome the remarks of the hon. Member for Kiambu in which the indicated that housing was one of the major problems which had to be tackled in order to raise the standard of the African peoples of this Colony. Yet if we turn to the Public Works Department Extraordinary, under heading 39, excluding the provision made for housing Africans in prisons and chiefs' lock-ups, the only sum provided there is £15,268, which compares ill with the Indian and European combined figure of £64,032. Doubtless some hon. members will be casting their eye rapidly down the list in order to find out what figure is provided for housing under the Colonial Development and Welfare Vote. The two figures are £30,000 for Nairobi and £24,000 for Mombasa. It was made quite clear in the debate in the House of Lords on Lord Rennell of Rodd's motion that this country was very far behind in this matter of housing, and I crave the indulgence of Council if I place before it the short facts in relation to the housing situation in Nairobi as I am given to understand it is at the present time.

In 1939 there were roughly 30,000 bona fide employees for whom it was reasonable to expect that housing provision should be made. Of course, that housing provision did not exist. Now that number has risen to over 41,000 and I think it can safely be estimated that at night in this town of Nairobi there are 15,000 Africans who have to be here. I think, beyond dispute, for whom no adequate provision exists. They go to bed in undesirable places, they go to bed in places from which they could be evicted by the police and for which offence they themselves and the person owning the quarters are liable to prosecution. I am given to understand that the figures last month of Government servants for whom no housing existed in Nairobi was some 300, and that there was over 1,000 temporary employees on the municipal waiting list. That is a state of affairs which ought not to continue. The

African has been brought to Nairobi to act not only as unofficial policemen but also in varied other capacities for boards, controls, industries, stores, and all that other large addition to Nairobi's normal activities that has taken place since the beginning of the war, and no adequate housing appears to have been given to the housing of these people.

I realize that there are long range plans which the municipality and Government have in mind for the ultimate housing of Nairobi's population and by that time, of course, it is the possibility which I would not suggest it is a probability—that the number of bona fide employed Africans in Nairobi will have dropped, but at the present time there is this tremendous gap between housing provision and the number for whom it can reasonably be expected that housing should be provided. This problem has existed elsewhere, of course, it has existed in other parts of Africa; but even in wartime South Africa has been able to tackle the job, and one gathers that they have tackled it well. Temporary accommodation has been provided in what are called the "breeze-blocks". I know the municipality—who have erected what have been variously described as "rabbit hutches" and "hen coops" around their august building—dislike very much temporary African housing within the municipality itself. They may be right in their objections, but it is not outside the bounds of possibility to secure land outside the municipal area on which temporary housing for Africans, guaranteed to fall down in, let us say, four or five years, could be erected and provision made for the transport of employees there housed to and from Nairobi. In other places in Africa, where similar provision is made and Africans are housed some distance from the town, the employer has been forced by legislation to provide for the cost of their travel to and from work. There is also a case for the provision of land on which Africans can erect their own housing, and there is a further case for making available to commercial enterprise land on which they can erect housing for their African staff. I would suggest, therefore, that the figures which are shown in this budget for the provision of African housing are grossly inadequate.

[Mr. Beecher] and I also suggest that the time has more than come when this Government should consider the question of the erection of temporary housing in order to meet this tremendous need.

Before leaving the question of housing, I would remind you of one of the consequences of the housing situation as it is at the present time. The nature of the African population living in Nairobi has been variously estimated at anything from 90 to 99 per cent male. The consequence of that is that the reserves are preponderantly female, and while there is this disparity between the population of the town and the population in the reserves, none of these large ideas that we have in our minds for improving both life in the towns and in the reserves can take place. We must restore a sense of family life to the African, and our duty is to do it now by providing adequate housing for families in the towns as soon as we possibly can.

The remaining three matters arising from the general study of the budget are associated, namely, African terms of service, the question of war bonus, and the question of the provident fund. African terms of service arise under almost every departmental head. It has been repeatedly said in this Council that the African regards those terms of service as unsatisfactory, and that he is profoundly shocked at the refusal of Government to remedy them after study by a committee or commission appointed to do so. I should like very strongly to support the request that was made by my hon. colleague yesterday for unified non-European terms of service comparable with those which existed in the clerical service of the Government until 1927. We made reference to that at an earlier session of this Council when the question of a provident fund was up for consideration. This budget contains a number of missed opportunities of beginning the rectification of grievances. My hon. colleague yesterday made reference to the opportunity that was missed in connexion with the appointment of an African bio-chemist, and pointed a finger of scorn at the salary of £170 a year which was offered to a university graduate to fill a very much welcomed appointment and a very meritorious one. The hon. Member for Mombasa com-

mented on the very poor salary offered to a Makerere man who is to be engaged in a responsible position in the Agricultural Department. There are other instances, and one finds them on a large number of pages of this budget. The African pyrethrum assistant who is to be engaged at Molo and to whom note 28 in the memorandum refers; is employed on terms one could only describe as niggardly for a job of such importance. The same applies to assistant foresters to whom note 90 applies, and so on.

Then one comes to the terms of service that are offered to the African police, and here I most heartily endorse not only the remarks of my hon. colleague but those of the hon. Member for Mombasa in connexion with terms of service of the police. Here, Your Excellency, words almost fail me. I would suggest that the present terms of service which are offered the police do nothing but encourage indolence and ineffectiveness, and lay all ranks of all races open to attempted corruption. (Hear, hear.) A further point in connexion with the police was made by the hon. Member for the Coast. He referred to a number of public-spirited Africans in Mombasa who have offered themselves for service as special constables, or whatever their official designation might ultimately be decided to be, and who underwent a very considerable and carefully planned course of instruction. They are 15 in number. They passed their examination at the end of that course; and the hon. Member for the Coast is perfectly right in stating that up to date those men have been issued with no uniforms and have been given no instructions, and they are now in a position when they assume that their services are not required. I agree with the remarks which have been made concerning the spread of crime, and I would repeat in this Council this morning what I have said on a large number of occasions, namely, that the African peoples of this country are just as apprehensive as any hon. member of this Council or any member of the other races of this country, about this very alarming spread of crime, and they themselves would be perfectly prepared, if the police offered the facilities, to act in voluntary capacities in order to seek to stem it. But coming back to the question

[Mr. Beecher]—The African terms of service I would suggest that there have got to be very drastic modifications in our attitude towards terms of service in the near future, not only for the economic benefit of this country but for the economic benefit of Africa as a whole.

This question of the African as a labourer has been raised by several speakers, and as it was raised after my hon. colleague spoke it falls to me to attempt to answer some of the points which they have raised. The hon. Member for Nairobi South played the ball into the ring by asking the initial question. I have not had the benefit of the Hansard copy of what he said, but I do not think I am misreporting him when I recollect his question in the following form: "Why did Africans not go out to work for their food?" and in harvesting the food which they were to have supplied to them as famine relief at the country's expense?" He also made some other remarks about labour to which I will come in a moment, but before doing so I should like to pay a tribute on behalf of those thousands of Africans who did receive assistance in this way for the magnificent work that was done by the military authorities and the civil administration on their behalf, and which in fact did avert a major disaster by forestalling the famine, which overhung a good part of the Kiambu Reserve and other places. They are deeply grateful for the assistance Government rendered them at a time such as that.

The hon. Member for Nairobi South went on to ask that the whole of the labour policy of this country should be reviewed. This question comes rather at short notice, and I may not be able to give an adequate answer to the questions he raised. Possibly the hon. Chief Native Commissioner will have more to say about this at a later stage in the debate. I fully sympathize with the request that the Labour Department of this Country should be reorganized, that its budget should be represented in quite a different form and that we should have as a Colony a well planned and settled labour policy. That is absolutely essential. We have the possibility of securing the services of a very able officer in the person of Mr. Wyn Harris to carry out that task

when he is given the facilities for doing so, but there are a large number of difficulties in the way of carrying out such a policy, not least because in the past there has been a good deal of loose thinking about this labour business. I admit that under the Defence Regulations it is possibly right that we should have conscripted labour, and that that labour should be ordered to go to certain places or ordered to undertake work in essential undertakings which are necessary for the war effort, but I would stress with all the power that I have that you cannot talk about African labour in terms of so many bodies—to repeat that funeral phrase—that can be ordered here or ordered there or ordered almost everywhere in order to meet a particular contingency. We must have our labour policy so ordered that the liberty of the subject in days of peace is absolutely, and completely secured, and we have got to abandon the idea that the so-called native reserves are reservoirs from which so much impersonal labour can be drawn at will when it seems it is required and to which it can be tossed back without any obligation when that particular contingency has passed.

The organization of African labour is going to involve a good deal of careful planning and foresight. We have got to raise the wage levels; we have got to stabilize employment; our industrial policy must be adequately framed, and we must also study the problem in relation to that national problem, the question of the African and the land. I welcome therefore the remarks of an introductory nature, if I may say so not disparagingly, on this immense subject which were made by the hon. Member for Kiambu a short while ago this morning. The question is being studied elsewhere in Africa. I am sorry to make such frequent reference to the way things are being dealt with in South Africa, but I do feel we have got a lot to learn from the way in which parallel problems have been discussed and in some measure solved elsewhere. Hon. members may be aware of the very voluminous reports of the Industrial and Agricultural Requirements Commission in South Africa and of the reports of the Social and Economic Council, and of the Social Security Committee which grew out of it. They may

[Mr. Beecher]—I do not, however, have seen the earlier report of the inter-departmental committee on the social, health, and economic conditions of urban natives in the Union of South Africa. The gist of it all is this, that South Africa has come to realize that it has got a population of 103 million and that it must think in terms of whole populations and not a section of them. I believe there is a growth among various sections of the community in this country of the idea that we must do exactly and precisely the same thing here, and that the economic future of this country is going to be dependent on the stabilization of the African economic situation. Therefore, the African as a wage earner has got to be taken very seriously into consideration, both in connexion with our urban populations and the African in what I have already described as extra-tribal groups. In order that we may carry out our plans in connexion with the natives' schooling, housing, education and the status of the women, first and foremost the wage level has got to be raised, and in addition to that, as was hinted in the speech of my hon. colleague yesterday, we have got to go very fully into this question of social security and social insurance.

In passing, the hon. Member for Mombasa made reference to it when he asked that some form of social insurance and social security should be provided for those splendid women, the European nurses, to whom all races of the Colony are so deeply indebted, but it is not for them alone that this question of social security has to be faced. The African at the present time is able to work for such niggardly terms of service because hitherto it has not been necessary for him to have very much care for the morrow. He knows that, however long or however short his period of employment is, there is a reasonable chance that an acre or so of native reserve will be there for him to cultivate for himself and his family to eke out a miserable existence as long as his days last. Now the availability of land for Africans in employment to return to their own employment has ceased to be strictly limited, and we have reached the stage when it can no longer be deemed to be there, and I would suggest therefore that discussion and consideration of this question of social insurance by this Council is

long overdue. I apologize for the length of that digression, sir, but I think perhaps I have done something to indicate the magnitude of the problems of burning urgency to which this Council should devote itself at a very early stage.

I now pass on to the second of those points, namely, the question of war bonus. Like the hon. Member for Mombasa I dislike the term, but it does not matter very much what you call the war bonus provided it is given on an adequate basis. There are scattered references to war bonus throughout the budget. I take it the figures there given are based on the interim Mundy report and circulars 25 and 26 of the 10th August. I am very sorry that the hon. Member for Mombasa did not enlarge on the general acceptability of the provisions which that circular makes. My reading of it is that it is nothing more than grinding the faces of the poor and filling the coffers of the rich. In order to justify that statement, I would cite one instance, and one only, of an African employee of Government on a Sh. 120 a month basic salary receiving more in war bonus than an elementary teacher receives in salary and war bonus combined. And then we wonder why we cannot get teachers! The fact of the matter is that those who were below subsistence level before the war bonus was given—and, indeed, were so before it was necessary to give it to them—were pushed well below it by very inadequate awards of the war bonus to those on lower salary scales; and this is something applying not only to Africans but also to Asians and Europeans, and I suggest to this Council that it should not be satisfied with the war bonus provisions contained in this budget and should ask that the whole subject be re-investigated at the earliest possible opportunity.

The third and final point arising before I take up the various departmental heads is the question of the provident fund for the African staff. Hon. members will recollect that, under section 5 (2) of the ordinance which was recently passed by this Council in order to make provision for the African staff provident fund, under Government Notice No. 738, certain Africans who were not transferred to the new service had the option of becoming members of the provident fund. Government Notice No. 738 fixed the date before which each must exercise

[Mr. Beecher] their opinion as 31st December this year. I have received evidence from many parts of the country that African employees of Government who desire to avail themselves of that option and are entitled so to do, have been inhibited by their immediate senior officers from so doing, and informed that they are not eligible for membership of the provident fund. I placed this matter before the hon. Acting Chief Secretary a little time ago. I know that he has prosecuted inquiries, and I believe that he is still unable to give me a reply as to what exactly has taken place. I do submit that in view of this difficulty which has arisen the date by which African contributors to the provident fund have to opt should be extended from 31st December until March next year in order that this particular difficulty may be cleared up.

The remainder of my remarks are under four heads; any consideration, as far as I am concerned, of other heads of the budget can rest until the deliberations of the Standing Finance Committee and the debate on its report. The four heads are, respectively, Administration, Education, food production and distribution and, finally, medical work.

I have already made some reference to the Administration when I suggested the time had come for an overhaul of the Secretariat in relation to the Provincial Administration, but I should also like to make reference to the very great need that exists for very considerable and very rapid development in the so-called backward areas. For far too long the Masai, for example, and the Northern Frontier District have been regarded as the homes of "noble savages", and with just a shrug of the shoulders as backward areas that must remain backward areas. I should like to refer to the African petitions that have been put up, for example, by the Masai for more rapid progress in their particular area. They have asked for much more democratic representation on their local native council, something which has been achieved elsewhere, but apparently not there, and have asked for educational development to take place, particularly among their women. I have not the privilege of knowing the Masai very well, but I gather that the power of the women behind the tribe is as strong, if not stronger, than any other tribal

natives, and I would stress, and probably the hon. Director of Education is aware of the need, the need for very rapid advances to take place in Masai as soon as possible. Further trading facilities for Africans themselves in Masai have been very much held back. They ask that something should be done for them there. There is another thing on which they are insistent. They do request that their country should not be regarded, as has been the case in the past, as a game reserve and a source of cheap meat. The Masai have suffered, the hon. Director of Veterinary Services will correct me if I am wrong, from an unco-ordinated game policy. I think it is right to say that the Masai cattle have suffered as a result of contagious abortion left by the wildebeest, and the considerable herds of that animal are really a menace to the Masai and their pastoral development. Another point arising on this question of administration is that I think we all would like to see much more active steps taken by the Administration in relation to this very vexed question of stock thieving and future of the moran. This is not a joke that can be laughed off in the spirit of "boys will be boys and they must have their bit of fun". It is a source of menace to European stock-owners and a source of despair to the law-abiding Masai, and it is a matter of considerable regret to me that suggestions emanating from the Africans themselves for the treatment of habitual stock thieves appear to have been turned down by the Secretariat, and no item in the budget makes provision for any settlement of recidivists such as that which the hon. Member for the Coast made reference earlier this morning.

HIS EXCELLENCY: I think that this, perhaps, would be an appropriate time to adjourn.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Friday, 24th November, 1944.

Friday, 24th November, 1944

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Friday, 24th November, 1944. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 23rd November, 1944, were confirmed.

DRAFT ESTIMATES, 1945

REFERENCE TO STANDING FINANCE COMMITTEE.

The debate was resumed.

MR. BEECHER: Your Excellency, when the Council adjourned yesterday I was about to make some remarks on the subject of education. That subject has already been fully dealt with by my colleague and I will wish to add at this stage is this: In the name of the African peoples of this country very warmly to welcome the new Director of Education, in whom the African peoples have, insofar as they have come to know him, great confidence and from whom they expect very much. He has already shown himself to be very concerned about some of the gaps in the educational system of this country, and we trust that his determination to fill those gaps will not be hindered and will have the full support both of this Council and of the Standing Finance Committee as he seeks to carry out his plans.

Not unnaturally I took the education estimates and applied a slide rule to them, and while I am glad to see European education advanced by some 35 per cent, Indian by 36 per cent, Arab 32 per cent, I was rather disgusted to see that African education, the provision for which for so many years has been grossly inadequate and in which there is so much leeway to make up, has only had an additional provision made of some 23 per cent. In the memorandum we find the unblushing remark to the effect that "There is also a large increase under the Education Department's estimates due in the main to an expected increase in 'European and Asian pupils', as if no increase was to be expected in African pupils. I do trust that the hon. Director of Education will place before us at a

Very early date plans for the formal development of African education which can be carried into immediate effect. In that connexion I should like to make a brief remark on the subject of mass education. Although there has been no debate on that in this Council, I trust there will be one at an early date. I hope that mass education will not be regarded as the panacea for the settlement of all the outstanding educational problems which concern the African in this country. We must seek the continuous, and I trust very rapid development, in formal education, particularly as we have been so frequently reminded during this debate among women. Mass education will be concerned independently with social experiments which will have to continue after the bulk of the population has become literate.

Before leaving education, there is one remark I want to make on paragraph 75 in the memorandum concerning grants-in-aid to voluntary bodies responsible for Arab, Indian, and African education. It indicates that if the new grant-in-aid rules now under consideration by a committee are accepted by Government, the amount of the increase necessary to implement them will be small only at this stage. While that is true, it is a measure misleading, in that the new grant-in-aid rules which this committee has in mind are on a much more generous scale to cover a a much wider field than has hitherto been the case, and only the present circumstances—which we trust are transient—make it impossible for these voluntary bodies to avail themselves of the provision of these suggested rules, and I should like hon. members to be aware of the fact that, in accepting these rules, if they are accepted, this Council will ultimately be called to meet very considerably increased financial provision for the educational activities of voluntary bodies working among all races of the country.

Turning from education to the various Heads under which the question of food production and distribution and trade, as far as the African is concerned, come together, I should like very strongly to support the remarks made by the hon. Member for the Coast in connexion with maize production. Your Excellency made a reference in your address from the chair to the need for granting to the

[Major Joyce.]

out duties towards the native races. The other point is that it staff makes it unfortunately necessary to curtail other services on the African side of education. I hope that teacher training at least will not be in any way curtailed. I notice that the balance between medical officers and health inspectors on the native side of the medical services is largely in favour of medical officers, but I feel that we would get more value for our money by having possibly more health inspectors and fewer medical officers. The cost of a medical officer is about double that of a health inspector, and I cannot help feeling that in this case prevention and hygiene is what should be aimed at. I do not in any way wish to suggest that country hospitals or remote rural hospitals for natives should not receive the attention that they are now getting in increasing measure, but I do feel that the best treatment will be achieved by concentrating on better hospitals at the main centres and having the ambulance service in various parts of the reserves for getting serious cases to these central hospitals.

I shall now refer to one small matter in the Posts and Telegraphs Department, and it is only to make the suggestion that again in the rural areas, both in the interests of a saving in the cost of transport, in assistance for the medical authorities, in assistance for the police authorities, the installation of rural telephones could well be done at a greatly reduced figure, more especially in view of the fact that the Posts and Telegraphs Department appears to be in the nature of a quarter of a million pounds.

Coming now to education, I have little to add to the remarks made by previous speakers on the subject of African education except to support all that they have said. I would stress there the vital importance of teacher training, and I fully realize the difficulties in maintaining adequate staff for that purpose, but if any branch of education has to be neglected it should not under any conditions be teacher training. Coming now to the European side of education, I should like to ask Government during the course of the debate to make one or two statements on matters which affect us closely and on which we are not entirely satisfied. I refer for the moment

to the delay in increasing the accommodation for European children at various schools. Let me take a particular case, namely, that of the Hill School at Eldoret. I understand that that Hill School is awaiting development owing to a series of circumstances over which I should have thought Government had full control if sufficient drive had been applied. I am not quite aware of all the circumstances that have caused the delay, but the fact is that there are a large number of parents in the country who, in spite of the Education Ordinance which makes it obligatory for them to educate their children, are finding considerable difficulty in doing so. I should like to ask this question and I hope that at a later stage some Government member will give the answer, and my question is: What steps Government is taking to increase the essential additional boarding accommodation at the Hill School, Eldoret? I understand that there are temporary buildings there which could be added to, and the position is entirely unsatisfactory, in that I feel that a larger number of European boys and girls could be educated there—and the need has arisen already—if a more forward policy were adopted by Government in making that accommodation available.

I think hon. members of this Council will agree that at this stage of the war nobody requires a palace in which to educate their children, and in that connexion I have been informed—though I have not been able to find it in this rather formidable volume with which I am not very well acquainted—that a figure of very nearly quarter of a million pounds has been suggested as the sum necessary for building a new primary school in the Central Province. Whether it may be at Nyeri or Nanyuki or wherever else it may be I do not know, but it appears to me incredible that at this stage, while we are still at war, we should delay the building of a school that is essential, and that we should even consider making a building that is going to cost only one third of the estimated cost of the new House of Commons! I feel very strongly that in this matter of providing school accommodation for European children we have to consider the need of providing also for the European children of neighbouring territories. I feel there is some delay—may be hesitation—in advancing

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a building programme in this direction, because it may be felt that the European children of neighbouring territories should make their own arrangements. I cannot disagree too much with that view.

If I may turn to the next item, which is the Public Works Department (laughter), I hope anything I may say in this regard will not be taken personally (laughter), but I have a certain amount of criticism which I think is merited and which in any case I feel compelled to make. The figures revealed in the draft estimates show, including not only the building and ordinary recurrent figures, another figure which I do not quite understand, and the other items under extraordinary expenditure which all amount to very nearly a million pounds, which is about one-sixth of the revenue of this country and a very considerable sum. I think you will agree that is a large figure, even in these war days when we are getting accustomed to larger sums than we discussed before the war. I should like to refer first to the item of buildings, which comes to something over quarter of a million pounds. I notice that provision is made for an extra architect, but when one looks at the figures for certain specific buildings in different parts of this formidable book and makes due allowances for the greatly increased cost of building at this time, I think it must be agreed by everyone that a considerable degree of examination must be applied to these figures in the Standing Finance Committee, and I hope that will take place. I cannot help quoting a few cases, at the risk of boring you all. These are taken at random from the memorandum and from the relative page of these draft estimates. A class IV house for the Stock Inspector, Naivasha, at a sum of £1,750 seems a very high figure to me, even allowing for the possibly 60 per cent increase which was referred to by the hon. Member for Nairobi South as a feasible and reliable increase on pre-war costs—even so I think that figure is very high—£1,750. I notice that class IV quarters—I am not clear what the difference is between quarters and houses—but anyway class IV quarters at Kericho cost £1,400 each. I notice that at Eldoret, three-roomed Asian staff quarters—three-roomed, mind you—cost £1,200 each. The figures seem

to me to be pretty fantastic. Another figure I must query is the replacement of police posts at various little outposts of this country, at Kibwezi, Kiu, Sultan Hamud and other places, where they have been living in mud huts, and very properly these mud huts have been replaced, but the figures of £720 for each of these police stations seems to me to be fantastic.

On the question of roads, I am not going to refer to any particular figure, but I cannot help just reminding hon. members of this Council of the great waste of money that has been incurred in the reconstruction of the bridge just outside Nairobi on, I think it is, the Ruaraka River.

On the water development side of the estimates, which I may say I think is one of the most efficient sides of that particular department, if I may say so, there are some figures mentioned in these estimates and some which are not mentioned, but which I am going to mention, which I think are matters which we ought to examine. I should like in the first place to refer to the question of water boring. I notice that an item of £2,300 is included in the estimates for a third borehole at Machakos, including a small tank of some 10,000 gallons. The figure seems to me fantastic, and I think double the figure at which a contractor could do the job, even paying present rates for hiring one of the boring machines that belong to the oil-boring company in the country. I notice that one borehole and one tank—well, sir, if we farmers had to pay that sort of sum for developing water on our farms we would very soon be out of business! I would also like to refer to boreholes and tanks that have been built in the past on the stock route from Tanganyika to Liebigs. I understand that they cost £1,300 apiece. Again I think it is very large figure, and quite an unnecessarily high one, more especially in view of the fact that the boreholes were very shallow. One was 200 feet and the other 120 feet. I give these figures because it makes such a difference in the cost. I should like also to refer to the very large dam in the Kiut district built, I believe, by the Public Works Department. At high level it is only nine feet deep, and I understand its cost may be £1,100. That dam, I suggest, could have been made by many hon. members on this side of Council for

[Major Joyce] a quarter of that sum. While I am on the subject of water, I would also like to refer to one or two of the wells that have been made on the stock route between Tanganyika and this country to assist the supply of water to Laikipia. I know one of those wells does not produce any water at all, and I understand there are two or three of them, and all cost a good deal more than £200 or £300.

This is rather the sort of thing which makes hon. members on this side of Council feel that something is not quite right in this department and that the very closest scrutiny should be made of the expenditure under this particular head, in order that we may get full value for our money. I should like to remind hon. members that as long ago as 1931 an inquiry was made into the work of the Public Works Department. The report, I believe, was never published for various reasons, but I do think in all honesty—that all members of the community, and probably both sides of this Council, feel that they may not be getting full value for their money in the estimated expenditure under this particular head. Many of us feel that as much expenditure should be done and would be more economically done if it were put out to public contract (Hear, Hear). It may well be that at this stage of the war contractors are not available, but I do suggest in all seriousness that, gradually, and as labour and contractors become available, the true functions of the Public Works Department should more properly consist of inspecting the work which is done under contract for the country.

I must refer very briefly to the questions of roads, only to make the suggestion, which I think has been made by some other hon. member, that I think most of us on this side of Council would welcome an attempt to obtain the services of a really highly qualified road engineer to generally take charge of development in this direction. (Hear, hear). In passing, I would not like to close on this particular subject without paying tribute to the water branch of the Public Works Department. I think they are working under great difficulties with a very small staff, and provided they curtail their work to inspection and advice rather than to actual work I hope that

branch of the Public Works Department will not be curtailed but expanded. I would suggest that it might be worth going into the possibility of getting an eminent hydrographic engineer, who has recently retired from South Africa, to refer to Mr. Lewis, who came here and made a very able hydrographic report on this country in 1925. I expect that that report has now disintegrated into dust, but I think it would be worth inquiring whether that able engineer would be in a position to come to this country and make a general review of the possibilities of development. But I do hope very much that the immediate development which is required, and this possibly without great expert advice and without this sort of survey, will not be delayed. I know full well that there is shortage of necessary equipment and necessary staff and the use of these new machines for locating water has undoubtedly increased the percentage of success in water boring by a considerable amount, but it does not in fact amount to more than 10 or 15 per cent, and I suggest that rather than wait for more expert geologists and complicated machinery to be made available to this country in certain lines of water boring development we should go ahead and be prepared to sacrifice that 10 per cent efficiency.

I think I can now come to the last item, which is rather a long one, the general question of land and water, and I hope I have covered water development in the remarks I have already made.

I should like to refer to the remark made by the hon. Member for the Coast when he discussed the possibility yesterday of a Natural Resources Board. I am not going to make any comments on it, but it is worthy of investigation. The present Water Board deals only with water already in existence, and I doubt very much if a board of that size is necessary for that purpose. I think a rather smaller board might perhaps be well appointed instead of a number of boards and committees, some of which might be reduced.

I think a board of that sort to inquire into the possibilities of the development of the natural resources of the country might be worth considering. I must refer briefly to the question of the pressure on the land and the need for secondary industries, though that has been more or less covered, but in regard to that I should very much like, and I think hon.

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on this side would, to have a clear statement of policy from Government on the functions of the Industrial Research Board and the Industrial Management Board. I believe that their policy is laid down by the East African Industrial Council, and I hope I am not out of order in referring to these inter-territorial bodies, but there is some mention made of them in the estimates and that is my excuse for referring to them. I would like to quote a remark in the report of the Colonial Projects Research Council in London, which is to this effect, "Many of the low standard of living of the colonial peoples as a whole is largely due to the fact that they are primary producers and primary producers only, and that higher standards can only be achieved with some measure of industrial activity". I think we all realize the possibilities for large scale industrial activity in these territories is limited, but that is no reason why as full as possible imagination and drive should not be employed in seeing to what extent industry can be fostered in this country in order to balance the whole thing. In referring to that, I would refer more particularly to research. Research does not include only what the layman understands by such as entirely scientific research, it also includes research into markets, which are extremely important, and I would like to make the suggestion that a scientist should be included in whatever board is responsible for the general policy of this industrial research and industrial management, and that that scientist should not only be confined to the research branch of these bodies. Research into markets is of the utmost importance, and I should like to suggest that money for long range research should be made available on all and every possible occasion, because I do not think we can get a better investment for it in any form at all.

I am now going to refer briefly to the enforcement of the Land and Water Preservation Ordinance which I hope will not be very much longer delayed. Over a year ago I believe I was appointed to an Appeal Board under the provisions of that Ordinance. I must say the board has never met once! (Laughter.) I hope very much that if it will have occasion to meet shortly it will

mean that the provisions of the ordinance will actually be begin to be enforced. I think it is high time that they were made that that excess should no longer be made that that is done. I should like to refer to one item in the budget under the soil conservation service. I feel that the sum is inadequate, it is a matter of £12,000 and a further £8,000 for equipment. The pendulum has been swinging backwards and forwards on this question of soil conservation. It started by believing it could only be done by engineering methods, the first idea in America, which was followed by the belief that engineering as applied to land preservation was more or less valueless by comparison with proper farming and so on. I think the true fact really is that the engineering side of soil conservation is extremely important, the pendulum is swinging back that way, and makes the other branches of soil conservation much more easy to apply if in fact applied. I am referring to such work as terracing. But the fact remains that the soil terracing outfit in that branch of the Agricultural Department of this country is to my mind totally inadequate both in machinery and personnel. I hope very much that when this matter is considered it will have serious consideration given to the possibility of increasing the vote of the soil conservation service. I may say that time presses in all these things, and if we wait for the expert from here and from there and go on waiting indefinitely nothing will be done. In the meantime I do not decay in any way obtaining the best expert advice that is possible, but so much can be done without waiting for that advice that I hope Government will get on with doing that part of the programme of conserving the natural resource of the country which can be done without undue delay.

There is a brief reference to water development which I omitted to make. Water boring to start with. I should like to put it this way: Water for the people, water for the live stock, water for irrigation, water for power. I do not propose to cover all those things, but I should very much like strongly to support the remarks made by, I think, the hon. member Mr. Mathu and another member on the necessity for good clean drinking water for all sections of the population. A great deal of the failure to

[Major Joyce] get a good day's work out of the African is due to infestation with worms due to bad water, and although it may be a minor point I consider it a very important one indeed. Water for life stock—the necessity is obvious. Water for irrigation is a very much larger subject and one on which expert advice must be obtained. I repeat the suggestion for what it is worth, that possibly the services of Mr. Lewis, the eminent hydrographic engineer who has recently retired to South Africa, might be obtained, and it is worth inquiring into. The fourth was for water for power, and there also I do think we should take steps when opportunity offers to get the services of a first class engineer to see if it is not possible to develop the water power of this country, on small schemes if necessary, to a very much larger extent than has been found possible hitherto. I am perfectly convinced that we could make use of the water power on some of the rivers lower down by putting in small schemes higher up and using them at intervals of 10, 15, or 20 miles, but in any case, in a country like this where the fuel reserves are few, no reasonable amount of money should be spared in exploring the possibilities of getting water power, even if to supply the other three territories it has to come from as far away as the Nile.

I should like to make the suggestion with all diffidence that members on both sides of this Council would be spending their time to very great advantage if they took the opportunity of getting more into this country than in sitting in their offices. I know that it is a very difficult thing for them to do that in many cases, but I do think that it is only by seeing the problems on the ground, by seeing the degeneration of some reserves, by seeing the possibilities of development of water power or whatever resources it may be, that the time spent in pondering over dusty files might well be spent in travelling around the country. Finally, I am only going to refer to a remark made by a very eminent soil conservationist, Dr. Bennett, of the United States, who has recently paid a visit to South Africa to help them in any way possible in forming a soil conservation plan. He said, "among other things, 'You are not going nearly fast enough with actual work on the land.' I think

that might apply to this country, and I think in that connexion that the vote of £20,000 for the soil conservation service in this country is totally inadequate. Further, he says: "that the whole program requires decisive action by individual farmers, communities, and nations, the longer it is postponed the more difficult and more expensive it will become". I think we ought to learn by that lesson.

I support the motion.

MR. STRONACH: Your Excellency, it usually appears to be my lot to open the batting on this side of Council. I trust the remarks that I have to offer will cover all the points raised by hon. members. Before dealing in detail with the points raised by hon. members in the course of the debate I should like to clear up a misapprehension, that is that work carried out departmentally by the Public Works Department is more costly than work carried out by contract. Many cases of work carried out departmentally by the Public Works Department have very definitely cost less than by contract, and as an instance I give you the Government African housing scheme, Nairobi, and the Posts and Telegraphs store, Nairobi. Another instance is the case in which tenders were called not so very long ago when the contract figure worked out at Sh. 1/40 per cubic foot and the figure for work of a more complicated nature carried out departmentally by the Public Works Department was Sh. 1/20 per cubic foot. Contracts very definitely are satisfactory in normal times—in that the Government knows exactly what figure it is committed to.

I will now deal with the various points raised by hon. members. The hon. Member for Nairobi South suggested a policy of cutting down departmental work and letting contracts, and the hon. member appreciated the need for extra Quantity Surveyors. Now, the policy of the Public Works Department is very definitely to let contracts whenever possible. Of recent months a number of contracts for both major and minor works have been let in Nairobi and Nakuru. I would point out that contracts do not come out with less supervision, probably the reverse is the case. The Department must continue with departmental work for minor items and for the training of African artisans. A register of contractors is maintained

[Mr. Stronach] in the Public Works Department, but these could be improved by grading the contractors with regard to their ability to carry out work and their financial stability. Contracts have been let for road works, but it is understood that in the Union of South Africa, owing to the complicated nature of the specifications, the majority of the work is now carried out departmentally. It is hoped, however, as discussed at yesterday's meeting of the Central Roads and Traffic Board, that this difficulty will be overcome.

The hon. Member for Nairobi South also inquired if the increased cost of buildings was up by 60 per cent. I would compute that the average increase is 50 per cent. This increase varies in different districts and in different parts of the Colony and varies for different classes of work. One reason for the high prices at the moment is that contractors must allow for delays in the arrival of materials and storage of supply and for unstable prices. The cost of building is unlikely to return to pre-war levels owing to the fact that the wages of both skilled and unskilled labour have risen and are unlikely to return to the old level. The hon. member Mr. Patel referred to the school building in Mombasa which was put up privately for £5,000 and for which the Public Works Department estimate was £15,000.

MR. PATEL: On a point of explanation, I said £6,000.

MR. STRONACH: Well, I accept that. Presumably the hon. member refers to the Indian Girls' School at Mombasa. The facts of the case are that it was originally decided that the school would be rented by the Government and that a valuation by the Government. The certified costs of this school were £5,860 odd. At the time tenders were called it was stated in the local Press at Mombasa: "Oh, here we have a school estimated by the P.W.D. to cost £10,000 which is now going to be done by contract for £5,000." Now the Chairman of the School Committee rather objected to this statement, and a correction was put in the Mombasa Press to the effect that the Public Works Department estimate for between £9,000 and £10,000 was for a school almost double the size of the

school that was erected by the private company. I consider that covers the point raised by the hon. member. I would point out that at the beginning of the war a further extension was approved for the school and recently a still further extension has been approved by the Government.

He also referred to the five year plan to provide for water supplies in small centres. I am afraid I cannot give any undertaking in this connexion at the moment, but there are an enormous number of township water supplies which must be dealt with first. When these have all been completed the trading centre supplies will each have to be considered on their merits. The hon. member Mr. Mathu hoped that steps would be taken to provide a water supply for Rabai. In this connexion a proposal has been investigated for combining a water supply for Mariakani, Mazeras and Rabai, and it is likely to be a costly scheme.

The hon. Member for Mombasa made some disparaging remarks about the road engineer. I do not think it is fair to judge the road engineer by the progress of the road programme which was commenced under the most adverse circumstances possible—that is, the implementation of the policy of employing prisoners of war and auxiliary K.A.R., coupled with a labour and food shortage, together with shortage of staff due to the fact that the construction company were called away time after time in order to carry out vital emergency works. Criticism would, I think, have been more acute if the Department had refused to take on the job until conditions were normal. I contend that this is an excellent section of work, which will be and is being repeated on the Kedong Escarpment section and the section I contend will probably be the most wonderful scenic road in East Africa. These examples, coupled with the saving of a distance of 12 miles from Nairobi to Nakuru, six to seven miles between Nairobi and Thika, surely indicate that the road engineer, and his staff are not entirely useless. (MEMBERS: No.) (MR. STRONACH: Not entirely.) I can assure hon. members that criticism is levied in the Union of South Africa regarding the slow progress of their schemes. I have heard it said that the road engineer recently visited

[Mr. Stronach] the Union of South Africa in order to learn his job. He definitely was deputed to go to South Africa to learn something more about his job, and to find out from South African road engineers all the information possible that they had gleaned in their trips to America. I can assure you that from a perusal of the road engineer's report he has come back with some very useful information in connection with their roads which I am sure will be of great benefit to the Colony.

MR. NICOLL: On a point of explanation, what we are asking for is a fully qualified highly technical road engineer, and we had that in 1932. Then he went away, and we have not had a man of that calibre since and we consider that we ought to have it.

MR. STRONACH: It is the hon. member entirely satisfied that the road engineer of 1932 was a highly qualified engineer?

MR. NICOLL: He certainly did his job, sir.

MR. STRONACH: So much for my excuses which the hon. member fore-shadowed I would make. In the course of my long service I have deplored excuses, but I am sorry to say I have had to make some at times. The hon. Member for Mombasa asked if I was proud of the Kenya road system, and the answer must generally be no. The system, however, did stand up to the very heavy traffic it had to carry during the East African campaign, with a certain amount of bolstering up. In this connexion, I do not know whether it is proper for me to say so, but prior to the war this country had been starved of funds for roads for the past ten years. I cannot say who was responsible for that—(MR. NICOLL: Parliament at home.) I am proud of the Namanga-Athi road; I am proud of the Thika-Garissa and Garsen road, which was constructed by the Department during the East African campaign and was used very extensively for the advance from Kisumu; I am proud of the Sagana-Nanyuki-Isiolo road, which was vastly improved for the East African campaign; I am proud of the Mombasa-Nairobi direct road which, although not up to the standard required, I gather the hon. member uses it extensively. (Laughter.) I am proud of the many permanent structures erected

on the old and new roads, in spite of the failure of one of them, namely, the Ruaraka bridge. I am not proud of the progress on the road programme.

The hon. Member for the Coast inquired about the Tanga road and asked when results would be seen. He also inquired if the Tanganyika Government were to make up their section. In this connexion the location engineer has recently visited the alignment of the road and has made suggestions for some slight further improvements. A survey has to be carried out, and when it has been surveyed the work will have to be given out to contract if the labour is available.

With regard to the Tanganyika Government making up their section, I believe at the outset of this proposal it definitely was the intention, but I gathered later that it is not now intended to carry on with the proposal. In the meantime, I have written to the Director of Public Works in Tanganyika to find out what the position is.

The hon. Member for Mombasa stated that the Public Works Department, Mombasa, had refused to whitewash the Indian Primary School. I believe the hon. member, if I heard him aright, offered to supply the whitewash free of charge. (Laughter.) I have written to the Divisional Engineer to make contracts with the firm in Mombasa and I hope he will be successful in getting whitewash.

The hon. Member for Mombasa referred to the high Public Works Department estimate of the cost of the Nyeri School, and this was also referred to by the hon. Member for Ukamba. He also trusted that the work would be put out to contract. I can assure hon. members that it is the normal policy of the Public Works Department to put works of such magnitude out to contract. I want it to be clearly understood that my estimate, which I prepared with my own fair hands, was not based on any drawings, but was an approximate figure based on a list of requirements supplied by the Education Department. The approximate figure is there for a cocky. It may be decided that the standard of this accommodation is not required, or it may be decided that all the accommodation and all the amenities are not required, but I still stand by my figure. It should be borne in mind that a school of the

[Mr. Stronach] magnitude proposed has not been erected in this Colony, and the figures really are terrifying. The estimate was based on the contract price of the Prince of Wales School, and allowance was made for less pretentious structures.

The hon. Member for the Coast proposed a Natural Resources Board, including the Water Board. This has also been referred to by the hon. Member for Ukamba. All I have to say in that connexion is that the proposal was discussed by the Water Board at a recent meeting and was welcomed. I, as Chairman of the Board, would definitely welcome the procedure, which would entail amendment of the law, but I think that can be overcome. The hon. Member for Kiambu hopes that the Public Works Department will employ African contractors. This proposal may not be feasible at present, but I should like to discuss it with the Chief Native Commissioner.

A considerable number of remarks were made by the hon. Member for Ukamba. I found it rather difficult to follow some of them, but I will attempt to deal with what I actually heard in the course of his speech. He referred to the high cost of the school for the Central Province. That has already been dealt with. He also referred to the estimate of cost of class 4 quarters—£1,750 at Naivasha, and similar quarters estimated to cost £1,400 at Kericho. The actual cost of £1,400 at Kericho is based on actual costs of the actual building when completed. We have a similar estimate, and I agree the estimate is on the high side, but on calling tenders for the work the estimate would be amended in due course. The hon. member referred to an Asian quarter at Eldoret estimated to cost £1,200. This is entirely wrong—it is £600. He also referred to police huts at Kibwezi. Those figures were the actual result of inquiries from contractors by the Police Department. I do not consider they are high if they are replacing with permanent buildings old temporary mud huts. The police at least are entitled to as good accommodation as we can give them. He also criticized the estimate of the cost of water boring and the provision of water tanks at certain places. I do not know if the hon. member appreciated that water boring is actually carried out by contract by a company

and that there can be no variation in that price from what any farmer can get it done for, and any variation in price would probably be the cost of the water tanks. That has always been a source of argument. I am sure that the hon. member or any farmer with his own bricks and labour can build a tank very much cheaper because he does not charge the labour to it. There was also a reference to the standard of construction of the Public Works Department—I do not think any Director of Public Works would agree to construct to a standard that provided a risk. (MR. COULDAVE: Like Ruaraka.) I expected that from the hon. member. The hon. member referred to a dam at Kitui. I have not the details with me and do not carry them in my head, but if he likes to come to the Public Works Department I am sure the hydraulic engineer will explain the reasons of the cost in that particular case. I think that concludes my remarks.

MR. THAKORE (Central Area): Your Excellency, in the belief that all good things spring from the earth, I will start with the land settlement problem. My hon. friend the Commissioner for Lands and Settlement has been known to me for a number of years to be a man of deeds and not words or idle excuses, but I am very disappointed to see that in the matter of the provision of land for Indian settlement he has not come up to his reputation. I do not quite know why it is that, after so many years of Indian settlement in this country, the Government of the Colony should not have an accurate survey of the good agricultural land, with natural water resources, reported upon and available for making use of at short notice. This problem of land settlement is connected with the future of the growing generation of Indians in this country, and it is from that point that I want to approach the problem. We do not want to see in Kenya a poor Indian population springing up for the want of Government catering for their proper settlement in locations for which they may be fitted. One of the most important things in that connexion would be the training of Indian youth for agriculture. From what I have heard, Government are going to depend on Tanganyika to provide the agricultural training in the first instance for a limited number of boys. It may be all very well and very welcome to obtain

[Mr. Thakore] that facility from a neighbouring Government, but at the same time to make use of it we ought to make our own arrangements and prepare plans and put them into execution at the earliest possible date so that, as a result of experience gained, of what use the youths are making of these training facilities, when a larger demand comes along we are ready to meet it.

The other day the Indian members of this Council met the hon. Commissioner for Lands and Settlement in connexion with the Indian Land Settlement Board, of which he is chairman. I was surprised that when everyone of us started searching for available land, no land was to be found. I want to make this point, that it is not up to us, the Indian members, to discover what land is good for agriculture because, after all, we have not the qualifications to know good from bad. It should be the duty of the Commissioner, assisted by technical officers from other branches of Government, to prepare a comprehensive plan and put it forward for the Indian community to make use of. I appeal to the hon. member, in all seriousness, to take steps at the earliest possible moment to implement the wishes and desires of the Indian community in this direction, so that when Indian soldiers come back from the war—(laughter)—I heard a sigh in some direction. They are soldiers in the real sense of the word, except that they are not trained to handle a gun—when the Indian soldiers come back from the war and seek reabsorption, and when a large number of Indian youths from schools, having obtained their education up to matriculation standard, or whatever the school standard is, they should not have to fumble for absorption into civil life in the few avenues offering such as the bank, clerical service and small trade. It is not going to be enough for the large numbers that are undergoing their education here, boys born in the country who are going to become part of the permanent population of the country. This question should be tackled on a higher plane than it has been in the past. It should be tackled from the point of view of making adequate provision for all these people to settle in a manner whereby they become useful and worthy citizens of the country of their adoption.

In this connexion, matters like social welfare, social services, social security and the general amenities connected are very closely associated. There is already a poor Indian problem at the coast, and out of the war has sprung this new ideology that is very prominent in the thoughts of everybody now, though it was not so prominent before the war, and I trust and sincerely hope that departments responsible for education, health, housing, and generally the welfare of the community at large, will tackle the problems concerning them with all the seriousness that these problems deserve, and will have comprehensive plans made in the post-war planning and development which is in front of them. I hope that that planning will be imaginative. There is considerable leeway to be made up in the matter of the requirements of the Indian community, so that the fullest possible benefits of that broad planning may be made available to the Indian sections of the community.

On the question of education, I regret to say that considerable neglect has taken place in the past. I am very hopeful that, with the advent of the new Director of Education, who has the reputation in the adjoining territories where he served prior to Kenya of being a real educationalist, will approach this problem from the higher plane and remove all the deficiencies that exist in the matter of Indian education. I have in front of me a long list of deficiencies that exist in the Nairobi Indian High School, things like boys having to drink from the water tap, books with 20 pages torn out shared by two or three pupils, overcrowded school rooms; underpaid staff, and a very disinterested staff that is more interested in leaving than in its profession because they are not sufficiently paid and are not looked upon or treated with respect; there is no physical training provided in that school, recreation has not been looked after and, although some money has been provided by the boys themselves, it has not been expended in making recreational facilities available. There are other items, with the details of which I do not wish to tire Council. I entertain a sincere hope that the new Director of Education will take these matters up as soon as possible, and try to remedy them as quickly as possible.

[Mr. Thakore]

I remember a couple of years ago, it may be a little more, when Mr. Dolton was sent to India to recruit teachers, that I wrote a letter to the Press pointing out that, after going to India, he should not make the same mistake as he had made in the recruitment of Asian personnel, by offering them wages that stood no comparison to the standard of wages in India and, if he attempted to do that, his mission would turn out to be a failure. I am sorry to say that that very good advice, tendered with very good intentions through the Press, was not made use of, and I know of one instance in particular, of a graduate recruit from India brought on a definite contract. When he came here, and was interviewed by the Department before taking up the job, he was offered £5 less than the contract price. He was told there had been some mistake, and that by an oversight he had been offered Sh. 100 more in the contract. The result was that that man's services were lost to the Department, and he went elsewhere, because nobody likes to take up a job under such circumstances. In connexion with education, there is the question of accommodation. All the classrooms are overcrowded, both in the boys' high school, the elementary school, the primary school, and in the girls' school. What was known to many of us as the "laboratory building" in Government Road is used at present for housing some 450 Indian girls, in premises that can only be described as a large house and not what could be called a school. During the latter part of last year, the Mayor of Nairobi and Indian members of the Municipal Council, with the hon. Commissioner for Lands and Settlement, went to considerable trouble to discover a suitable site on which to build the Indian girls' high school in Nairobi. I will say it is to the credit of the hon. Commissioner that he co-operated very well in the matter. The Mayor did the same thing, and at Pangani, the site for the Asian housing scheme, land was made available for this school. We were told at the time that a certain amount of money saved from the Kisumu school would be immediately applied to making a start with the building of this school, but I am sorry to say that even to-day, from inquiries I made from the hon. Director of Public Works yesterday,

that plans have yet to be prepared. I hope the Department will not be long in preparing these plans and laying the foundation stone of the new school, which is a very urgent necessity.

While I am on the subject of buildings, and having remarked earlier that the classrooms in the Indian high school and elementary school are all overcrowded, I hope the Education Department will explore the question of building primary schools in other parts of the town so as to relieve the congestion in the other schools. I should say it should be the policy of the Department to build primary schools, not one, but more, in other parts of the town. I believe there are 2,000 pupils in the primary school and 3,000 in the high school, quite large numbers to be put into one building. I do hope that immediate plans will be made to meet these needs.

Now I turn to the question of the labour policy in this country. There is no doubt about it that any country which wants to progress or is on the road to progress, should have a settled labour policy. In the past, the labour here has not been paid a living wage, and unless one has sufficient food in his stomach he is not able to do a good day's work. Of late, considerable attention has been paid to this matter, and the principle accepted "that nobody should be paid a wage below the bread level. The hon. Member for Kiambu made the point that it is not possible for any country to have all the labour on the land and that quite a large section of the labour population of a country should go out and work for industries. While I welcome that remark in its broad sense, this question must be faced from this angle, that it is no use inducing labour to come out and work in towns and in the factories unless the industrial undertakings are prepared at the same time to make adequate provision for their housing, hospital, education and other welfare amenities. Unless there is a clear cut policy laid down in that respect, it is no use inducing labour to come and work in the towns.

Mrs. WATKINS: On a point of personal explanation, the point of my remark was that the native should enter secondary industries in the reserves.

Mr. THAKORE: I was not disputing that in any way, but I have admitted the necessity of labour coming to work for industries, and all I wanted to say was that when it does the industries and Government that controls the labour policy should see to it that the amenities required for labour are properly catered for. My reason for these remarks are based on some little experience in the matter. The Industrial Management and Research Board have gone in for large undertakings, but they have no housing programme of their own, and after having worked up those industries they looked elsewhere for housing for their labour. It has lately been claimed to be a Government concern, the Industrial Management Research Board, and if it is a Government concern I think it fit on this occasion to voice my feelings in the matter and say that considering the question of the Government labour policy for the country, we ought to take all these matters into consideration and lay down a permanent standard that will be required of all industries to provide for their labour.

The next question I propose to talk on is the question of entry permits. I am sorry to say that the legislation in this regard has been very much misinterpreted and misapplied by the people who are charged with issuing those permits. Cases have come to my notice and the notice of my hon. Indian colleagues that Indians of long standing, old residents in this country, have been refused permits. To some extent this state of affairs has lately been remedied on representations made to the Director of Man Power, but what I want to stress is that the regulations require revision, the application forms require revision, and the question of the regulations wants to be approached from a more elastic viewpoint than at the moment they have been. The next question that I want to speak of is one of transport licensing and the sale and purchase of motor vehicles. Of late, probably through matters beyond the control of the Licensing Board, of which I am a member, the department is in a mess and chaos. Applications have been pending for months, and when people come to make inquiries they do not receive satisfaction. Works are held up. The same applies to the sale and purchase of motor vehicles at the

Revenue Office. I know of an instance where a person, having obtained a licence from the Transport Licensing Board to buy a new vehicle, after many inquiries both at the Board's office and at the sale and purchase office in the Revenue Department, has had a remark made by the girl in charge that she was tired of seeing that person. I should say that the man was more tired in having to run about between two departments than the girl was of seeing him. That reflects a very deplorable state of affairs. Personally, I see very little use in the continuance of the office in the Revenue Department which handles all these applications for the purchase of vehicles. If a person hands in a permit for a vehicle, he does not get it, but someone else does, and at a high time such a wasteful office was stopped, and the control that it is considered should be exercised should be removed.

While on the question of Controls, I have been known to be a critic of Controls in general, and I have no soft corner in my heart for any of them. I am associated with one Control in this country, and that is the distribution of ghee. My hon. friend Mr. Shamsud-Deen and Mr. Pandya, of Mombasa, went for a lengthy investigation lasting over 18 days in Uganda and Kisumu and produced a report on this matter of the sources of the ghee supply, with the object in our minds of making a little more available to the Indian consumer than he was getting. All of us came to the conclusion that with the removal of control on ghee the Indian population would have a very much better deal than they were by the way that service was rendered by the Control. I am not one to make a racial issue out of it, but I want to say that the Europeans in charge of that Control do not really understand the problem. They perhaps want to face it in a sympathetic manner, but they have not the understanding of it, that it is really a matter of quality 'n' quantity, and therefore they are not able to remedy things which are as bad, or worse, than ever. I have heard that there is a considerable amount of ghee available in the adjoining territory of Uganda and this country does not get the benefit of it.

Other speakers have spoken of Price Control and Imports Control and other controls. Without going into the details

[Mr. Thakore] of these departments. I will confine myself to saying that I have no longer any trust in these Controls; and the time has now arrived when some of the Controls could be done away with and an investigation held by a committee of this Council appointed for that purpose.

We now come to the question of demobilization and reabsorption. It is a very good thing the Civil Government has appointed a special officer for this purpose and that funds are made available in the budget in a one-line vote of £100,000. I have one or two constructive proposals to make, and these are that, with the best intentions in the world, the officer in charge himself will not be able to cater for all the requirements of both African and Asian soldiers when they come back, and in order to fortify his hands, two more appointments should be made under him, one of an Asian officer and one of an African officer to help him in tackling the problems of reabsorption. It is a large problem and unless it is faced properly we will have a repetition of what happened in England after the last war when soldiers on crutches were selling matches. We do not want to see a repetition of that ghastly sight in this country. I want to see European, Asian and African soldiers absorbed in vocations instead of having to expend their energy and ability begging in the streets. Of late we, the Indian members connected with man power, have noticed, and the attention of the Director of Man Power has been drawn to it, the tendency is growing of displacing British subjects by Indian co-operators. It assumed somewhat serious proportions a few months ago, the immediate effect of which was to throw a number of Indian artisans on the list of unemployed. That practice will continue, and I want the closest possible consideration given to the matter with the object of stopping this unfair treatment of people who came to our rescue in our time of need and who have made a contribution to our war effort, and we should see to it that by employing foreigners we do not throw British subjects out of employment and make them a burden to this country in one way or another.

The growth of Local Government has been one of the subjects that has been

spoken of in this Council to-day. It is apparent that with the progress this country is making local self-government must grow and must assume responsibility in various districts, but in the light of the fact that there is a considerable Indian population settled in the high-lands area and in other areas where district councils function, and in view of the fact that that population has considerable interests in those areas, the Indians resident therein should be closely associated with the functions of the district councils and proper representation should be given to the Indian section of the community in the committees of the district councils. I believe there is a settled policy in this respect which was accepted by Government many years ago but not implemented. Now these advances are being made in local self-government, I hope those promises will adequately be met, with the result that the Indian section of the community can also contribute and play a very useful part in the progress of the district councils.

On the question of native artisans, one or two speakers have spoken. I for one have employed native artisans and I know that their work; they are good, although they require a certain amount of supervision in order to function properly. Native artisans should be employed more and more in this country to carry on various works. It is a shame that we should have to import labour from outside. That must stop now at the earliest possible moment, and the utmost possible use must be made of the material available locally, both African and Asian, those who happen to be here permanently settled—the Asian section I am referring to—who will be available for many years to come for labour, so that as permanent residents they spend the money they earn in this country instead of having to send it outside.

The last subject I want to speak on is the question of the Civil Service. Our friend Mr. Mathu has raised the question of a unified non-European service. In that connexion I should like to see the emoluments attaching to that service based on merit. Also there should not be different services for Europeans or different services for Asians or different services for Africans. They should be based on merit. An African bio-

[Mr. Thakore] chemist possessing the necessary qualifications should be paid the same as a qualified person from either the Asian community or the European community. It is the post to which the salary should be attached and not the colour of a man's skin, and unless this country is prepared to recognize that it is no use trying to amalgamate the two services and leave the third service alone, it should either be based on merit or else you should continue the present practice of three services on a separate basis as they are.

As a final remark, I want to give an assurance to this Council that the Indian community here want to provide its full quota in the provision of food and to make that community self-sufficient by applying itself wholeheartedly to agriculture and settlement on the land. At the present time a good many of their requirements—milk and fruit—are met by other sections of the community. There is no reason why resources should not be made available to the community whereby it may become self-sufficient in every way. I do trust that in time to come facilities will be provided for them so that they can make their full contribution in the production of food and amenities of life fit everybody.

MAJOR KEYSER: Your Excellency, it is evident that recently my fishy friend, the hon. Member for the Coast, having thrown off his mantle of scales and seaweed, and stuck a straw in his mouth, clopped over the countryside in dungy boots to appreciate the situation in regard to erosion. I think he has come to a very fair and accurate estimate of the dangers before the country from this problem, and I heartily agree with everything he said yesterday over this matter of soil erosion. But, of course, soil erosion is only one part of the problem with which we are faced. The problem with which we are faced is one of the loss of soil fertility. Soil erosion is the mechanical means by which this loss is sustained. There are other losses besides that, chiefly from chemical action. The solution of these problems one often hears quite airily and easily put forward, but as a practical farmer I do not think they are quite as easy as we are led to believe. Facts have shown

me that they are not. One hears of farmyard manure and fertilizers advocated as the means of prevention of this soil deterioration or as the means of building it up. It will undoubtedly help, but I do not think it is the entire solution, because we have in this country a very great variety of soils. Some of these soils are excessively acid, and putting farmyard manure into this excessively acid soil is very similar to turning on the taps in the bath and leaving the plug out, because your farmyard manure, which should become humus, will stay for some years in the soil and is gradually turned into carbon dioxide by the acid of the soil and is lost. A preliminary survey of the soils of Kenya was made some years ago by Dr. Gracie. That preliminary survey demonstrated the fact that there was a problem to be investigated, and it should have been followed up by a more thorough survey of our soils. That has never been done, and I should like to bring the matter before Government's notice and to ask that a thorough survey of the soils of Kenya should be carried out at the earliest possible opportunity.

Referring to item 8 of Head 4A, entitled "Special Anti-pest Measures, Trans Nzoia," I am not quite certain what particular pest in the Trans Nzoia this sum refers to (laughter), but I conclude that it is the chafer beetle grub for which this £150 is being provided. This grub, which some of you may not have been introduced to yet, has in the past decade been the cause of very considerable losses to crops. It is indigenous to the country and is very widespread. The existence of this pest was brought to the notice of the Agricultural Department at least eight years ago. I think first by myself, and the answer I got was that in the opinion of the senior entomologist it was not likely to become a serious pest. Well, that particular year I lost 60 acres of maize from it, and I wrote and asked him what acreage he thought I should lose before I could dub it as a serious pest. Nothing much has been done since then, except that one entomologist came up last year and made a survey. I should like to refer you to Head 4, items 23 and 24, Senior Entomologist, and we are told that the reason why no further investigation has been made into this pest is that an entomologist is not available because he has to spend most of his

[Major Keyser] time on the anti-locust campaign. I cannot see why we should have an entomologist, a man trained in some particular subject, to organize an anti-locust campaign. Surely all that it wants is an organizer, a non-scientist. I think we know all that is necessary at present as to the different stages in the life of the locust. Any layman after half an hour's training would be in a position to judge whether the insects are about to breed or have bred or are about to die, and I think that having an entomologist to organize a locust campaign is a waste of a scientific officer who is badly needed for other work.

While I am on the subject of entomologists I should like the hon. Director of Agriculture—I regret he is not here, but perhaps his chair will answer it tomorrow—to answer a question that has worried farmers for some time, and that is one which may sound rather brutal, but I think we must have the answer. It is, is the senior entomologist pulling his weight? There is a feeling in the countryside that he is not pulling his weight, and if he is not pulling his weight then he must make way for somebody who is going to pull his weight and not stand in the way of a more efficient officer's promotion.

I am now going to move on to the question of native hospitals, and I am afraid I am going to be rather parochial here. I have not had time to go into the matter with regard to other districts, but I do understand that the whole question of native hospitals in the Colony is as serious, or very nearly as serious, as it is in my own district. We have in my district a native population assessed to be somewhere about 30,000. We have a native hospital which until recently had 32 beds in it, but which has now been increased by 10 to 42. The number of day patients in 1943 was 83.23 and in 1944 so far it has been 94.8. I visited that hospital about three weeks ago and the conditions I can only describe as deplorable. There are very nearly three people to a bed. All these cases are serious cases. There were cases of advanced cerebro spinal meningitis, one of them violent, mixed up with pneumonia and broken limbs, and things of that sort. We have heard a lot in the last few years about native welfare,

native education and so on, and I do submit that the first thing we should do is to provide adequate hospital facilities for the natives. I hope that when these estimates come back from Standing Finance Committee there will be an item under Public Works Extraordinary for an increase to the Kitale hospital from these 42 beds to one of 100 beds. I know that there may be an objection put forward that we should concentrate more on the prevention of disease than on the cure of disease, but in asking for these 100 beds for Kitale hospital I think I am following out the policy of the Medical Department, because I notice that under Head 21, item 420, out of a total vote of £238,000 for native services, item 120 contains £150 for the prevention of diseases! I understood some time ago that the Director of Public Works was prepared to carry out this work, and he could find the materials and necessary staff to do the building if the money was available. The hon. Director of Public Works shakes his head at me now, but he told me he could carry out the work provided the Director of Medical Services could find the money, so presumably he will fly in the ointment is the money, and I hope the Standing Finance Committee will provide it.

To move on to the question of food reserves, the hon. Financial Secretary in his speech said that only £100,000 had been provided under item 7 for the reduction in the cost of imported foodstuffs for the coming year; as the foodstuff position of the Colony had very greatly improved, I do think that these are points on which Government should take the public into its confidence and tell them exactly what the position really is. Apart from the fact that I am a member of this Council, I am also a director of an institution that, before the war, had facts and figures of the food position of the Colony, but since this has all gone into Government hands I know very little about what is happening except what I happen to hear. I have, however, from my connection with this institution had farming a fair knowledge of the conditions for sound storage of foodstuffs, and I have an uneasy feeling that from having a very acute food shortage in the Colony, we have a surplus which is stored at unsuitable places in unsuitable stores, and that there is a possibility of a very great loss of foodstuffs

(Major Keyser)

From weevils. That loss from weevils is not the only one, for there is also a loss of quality. You get a great deal of deterioration. I think, through the increase in acidity possibly, but it does become unpalatable, and I think that to-day we are risking losing a very considerable amount of that reserve which we are told we have in the Colony, not only of the foodstuffs that are already stored, but in order that they should gradually come on to the market. It will be necessary to hold back some of the crops we are about to reap, and they in turn will become weevil infested before being consumed. It does appear to me that there is a possibility of very great loss unless some action—I do not know quite what—is taken. But, it does demonstrate the necessity for having proper storage in the proper places, and I should like to ask Government to tell this Council what has happened to the proposals made some time ago for the erection of silos in this country.

With regard to education, I realize that the hon. Director of Education is new to the Colony, and my remarks are not in the form of criticism of him, but in the hopes that the complaints I have to make will not be repeated. First of all, I am told, I do not know how correct it is because I have not had time to investigate it, that the results of the Senior Cambridge Examinations which were held last November were only published in November this year, 12 months after the examinations were held. I well appreciate the fact that, under war conditions, there are very great difficulties, but I do think that that is an unduly long time, and parents are put to a lot of inconvenience in sending their children on to a higher education. I would like to ask the hon. Director in future to visit outlying places like Kitale more often than his predecessors. I believe a visit there from a Director of Education has only taken place once in the past eight years. The other point I would like to emphasize is that, in planning for new schools—and we are planning quite a considerable number now—some advice should be obtained from those who have a practical knowledge of the subject. I mean the people who are going to teach in the schools. Having visited some schools, it does seem to me that the plan is made by the

Director of Public Works or one of his minions, and nobody is consulted as to the practicability of the plan, and the result is that the building is most unsuitable and impracticable. Whether that is correct or not the fact is that the plans are not suitable. (Laughter.)

I should like to support the proposal of the hon. Member for Nairobi South for a proper labour organization. Arising out of that are the remarks made by the hon. members for Native Interests over the question of better conditions for labour. I agree with the hon. member Mr. Beecher when he says there has been a great rapprochement between European employers and employees during the last few years, but one of the problems that the European agricultural industry was up against until the Increased Production of Crops Ordinance was introduced was to maintain itself. It was fighting economic annihilation, and had no time either to think of the soil or its employees, and those are hard facts. Now, under better conditions, and I think generally that better farming practice is the corollary to better prices for produce, this matter of the conditions of our employees has been given very serious thought and, generally speaking, throughout the country and, in fact, the majority of agricultural employers in this country are agreed that the African employee must have better housing conditions, better medical conditions, and better nutritional conditions. It is a very great step that some start has been made in giving them these better conditions. But what is not very encouraging is the other side of the equation which can only be supplied by the African employees: the giving of better service for better conditions has not shown any great improvement. There seems to be a tendency during the last few years, a tendency for labour to become more unreliable, and to do less, in spite of better conditions, and I would like to suggest to the two hon. members I have mentioned that that point should be stressed to the natives themselves. It should be put them by their representatives somehow. Another curious thing is that one often hears mention of the fact that labour will improve with education, that they will assume greater responsibilities and will give better service once they have been educated. What I do find absurd is that when I engage, or attempt

(Major Keyser)

to engage, natives who have been trained in some of the Government schools of the Colony, notably the animal husbandry schools, I find to use a medical expression, that they are more allergic to work than the uneducated native. They are quite prepared to do what they consider technical jobs, such as taking the temperatures of cattle or a spot of karani work, but not the work for which they have been trained, that is, milking or anything that involves a little bit of hard work. This point has also to be brought to the notice of the hon. members representing native interests.

There has been throughout the Colony a desire, I think, for more advancement in local government, and we have heard it mentioned by various members. What I would really like is some expression from Government that they really are in earnest, that they really desire to see an extension of local government, and that this desire is going to be given some sort of practical application by, I say almost, ostentatious financial generosity, because that to me is the key of the whole position. If local governments are going to take over further services, they must take those services over after they have been brought up to a fairly high standard. They have not got the capital with which to start the new services or to bring them up to the required standard. Over the question of district councils, the hon. members Mr. Patel and Mr. Thakore have put forward a plea for Indian representation on them. Well, I do not want to enter into a long argument as to the pros and cons of that plea, but I would like to say that it would not be sympathetically received by the district council of the area which I have the honour to represent. I would like to support the hon. Member for Ukamba over the question of rural telephones. The Post Office is making a fairly good profit, in fact enormous profits, and at the same time there seems to be a general impression that the people in the country, the further away they are from the ordinary amenities of life, the more they must pay for those amenities. Even the hon. Member for Kiambu suggested a reduction in postal rates to 10 cents for the towns and 15 cents for the country. (Laughter.) That, of course, is carried out by the Post Office with their telephone system, but we really have no

telephone system in the country because it is too expensive, but I do hope something will be done in the near future to provide country districts with a cheap form of telephone system.

There is only one more point I want to bring up, and that is the question of veterinary research. We are fortunate enough to have in this Colony a man who has not only the confidence of the stock breeders but also the reputation of being a man standing very high in the world of research into stock diseases. (Hear, hear.) I refer to the hon. Director of Veterinary Services. We feel that as Director his qualities are lost, that it would be a far greater benefit to the Colony if, somehow, he could be put in charge of a research station to solve some of the very great cattle problems we are faced with, such as foot and mouth disease, genetic disease, and things of that sort. (Hear, hear.)

Your Excellency, I support the motion.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 28th November, 1944.

Tuesday, 28th November, 1944

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 28th November, 1944. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 24th November, 1944, were confirmed.

DRAFT ESTIMATES, 1945

REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

DIRECTOR OF AGRICULTURE (MR. BLUNT): Your Excellency, I should like in the first place to apologize to you and the Council for my absence from the debate on Friday, more particularly as I know that a number of questions affecting my department and agriculture in general were put forward that day. I have, however, been briefed by one or two of my hon. friends on this side of Council, and I trust that I shall be able to take up all the points made and to give satisfactory answers. There are a large number of questions which have arisen in the course of this debate to which I wish to reply and I will endeavour to do so as briefly as possible, for I am afraid I may occupy a very considerable amount of the time of Council.

The first point I should like to take is that made by the hon. Member for Nairobi South, in which he referred to vocational training. I am not going to deal with vocational training except in one aspect of it, and that is the proposed training at the Egerton School at Njoro. The training which will be required to be given there as soon as demobilization starts has been considered by myself with the headmaster, and will shortly be discussed no doubt by the Settlement Board and by the School Committee, but there is no doubt that the capacity of the Egerton School is going to be strained to its utmost to provide the full requirements which are going to arise immediately after the war. It is estimated that, what with ex-servicemen requiring training there before settling on the land, with the staff that I hope to obtain to

train there for soil conservation and agricultural work in the Colony, a figure not far short of 400 men will require training very shortly after the war. The capacity of that farm, we estimate, is at its maximum not more than about 90 a year, and even though the teaching staff may be strengthened, and I propose to strengthen it up to the greatest extent possible, I do not believe it will be possible satisfactorily to handle any number in any one year greater than about 90. It therefore appears that we shall have difficulty in providing the necessary agricultural vocational training for two or three years after the war. I hope, however, that to some extent there will be a spread among the people who come for that training and that we shall not get into too great a jam in trying to deal with it.

The hon. member raised the question of storage, particularly in regard to the cool store, and suggested that the Railway Administration was not the proper organization to run that store which it is now proposed to put up and that it might properly be run by the Agricultural Production and Settlement Board. That was a new one on me, but I should like to suggest for consideration that the Agricultural Department, which has in fact run the Government cool store for the last 25 years, I think I may say generally fairly successfully, might continue to run the new cool store if it is agreed that the Railway should not do so, since we have staff well used to that work and this staff has worked efficiently for a very considerable period.

I now come to a remark made by the hon. member Mr. Patel. He suggested that provision should be made for fruit growing in the coastal area. With that I heartily agree. I have made provision in my application to the Colonial Development and Welfare Fund in connexion with research services for the appointment of two horticulturalists. My intention was that one of those should, if I secure him, devote his time to work on the improvement of fruit production in the lower areas of the Colony, and particularly at the coast. Furthermore, members will note that Item 27 of Head 4 provides for the appointment of a horticulturalist for this coming year, and my hope is that I shall be able to obtain an experienced man

[Mr. Blunt] from South Africa, who may be brought up here and may start by making a thorough survey and collecting all the knowledge that there is in the country in connexion with fruit growing locally, so that by the time we get our permanent staff of horticulturalists we may get away with a good start on this particular work.

The hon. member Mr. Malhu raised several important questions, and the first point which I should like to refer to is his remark about the contribution to production that has been made by Africans. Since that point has been raised, I should like to say that I am sure Government has not overlooked it and I am very deeply sensible of the very great contribution that has been made during the war period by the African to the food supplies of this Colony. That contribution has been made under circumstances of considerable difficulty; weather conditions have been unfavourable. At the same time as the African has been producing considerable quantities of foodstuffs in the reserves, he has contributed also greatly to the war effort directly through joining the forces and indirectly in the large number of labourers who have come out from the reserves to work on European farms and for other war work. That contribution is very fully appreciated.

The hon. member went on to suggest that maize produced by the African should receive some form of assistance, and I take it he meant the same price as maize produced by the European. As regards price, I think hon. members will all be aware that the price paid to the native for his maize is based on the price paid to the non-native for his production. The non-native gets Sh. 13 a bag of maize delivered free on rail in lots of not less than 10 tons. The African, from the Sh. 13 he would get for maize delivered in the same way, has certain deductions made. There is a deduction of 60 cents to the trader who buys his maize in the first place and puts it in bags and handles it. There is a deduction of Sh. 1/60 because the bag is not provided by the African, and there is a further deduction of Sh. 1/30 which represents the cost of storing, financing and insuring that maize and to cover any loss there may be, because the African is

allowed to deliver his maize as soon as he wishes to, whereas the European is required to hold his maize on the farm for sometimes a considerable period until he is ordered to send it in. Those deductions amount to Sh. 3/50, and the difference between that and Sh. 13, namely Sh. 9/50, is the price that is paid out to the African grower all over the country, except in the Nyanza Province. In the Nyanza Province there is a special arrangement, but it is based on those same figures, though the whole of the balance is not paid direct to the producer, but a certain part of it, depending on the area and the transport charges, is paid into a cess fund. That cess fund is to be used for the benefit and rehabilitation of the areas in which that maize was produced.

The hon. member referred to the subsidies appearing under Head 4 of the Estimates and suggested, I gathered, that they should also be applicable to native production. I would point out that there is an essential difference between native production of cereal crops and non-native production. The non-native producer produces primarily for sale; the native producer produces primarily and, in regard probably 80 per cent of his production, for his own consumption, and the quantity that he puts on the market is probably on the average not more than 20 per cent of his total production. I may say that I do not think the two cases can be regarded as parallel: it is unfortunate, too, that the main African cash crops are not such priority requirements for war purposes as is the case of certain of the European cash crops, but I should like to point out to the hon. African representatives that although the African does not receive the benefit of certain grants and subsidies that are being given to the European farmer, he will come in for a very considerable portion of the large sum of money that is being granted by the Colonial Development and Welfare Fund for rehabilitation of the reserves. That figure amounts to something between £60,000 and £70,000 a year for 10 years, and I suggest that that is a very good exchange from the African point of view for any subsidies that are given to the European for his production.

The hon. Member for Mombasa referred to item 4 in my department's

(Mr. Blunt) and suggested that a sum of estimates, and suggested that a sum of £400 put in for an assistant to the Director might be regarded as a token with him who is regarded as a trusted clerk. I think this may be regarded as a token vote, this is the lowest point in the scale of salary of an agricultural officer. I trust, however, that a more senior man further up the scale may be appointed. Reference was also made to item 62 in the Agricultural Department estimates, and it was pointed out that the sum noted therein as the salary of a Makerere assistant appears very small. That is the salary scale which has been laid down in the report of the Arab and African Terms of Service Committee. It is the lowest point in the scale; of course, it goes up considerably higher, but I would like to mention point which is causing me considerable dissatisfaction, and that is the difficulty that is being found in obtaining well trained Africans for agricultural work in this country. I think that that must be related to the scales of pay that are offered. (Hear, hear.) I am informed this year—that there were approximately 30 applicants for entry to Makerere and that of those 30 not a single one stated that he wished to take agriculture. The hon. member referred to item 114 which increases the number of assistant agricultural officers by two, and asked if the bodies—that term which is so objectionable to the hon. member who represents African interests—would be likely to be found. I can only say that we did find two to fill vacancies during 1944, and the need for them is urgent, and we certainly shall not get them if provision was not inserted in the estimates. I cannot guarantee that we shall get them in 1945, but I hope that we may.

Turning now to the remarks by the hon. Member for the Coast, he suggested that the time may well have come when we should change over from the white maize which is generally produced in this country to the use of the yellow maize. I think there is a good deal of substance in that suggestion. I think we all hope that the time when this country was a large exporter of maize is gone for good and that we shall export our crops in some more concentrated form. (Hear, hear.) There is a good deal to be said for the use of yellow maize rather than white maize in certain cases, for the

reason that yellow maize provides vitamin A in reasonable proportions, which vitamin is not provided in white maize, but I doubt if that is sufficient reason under the circumstances in this country to make a change unless there are other good reasons, because that vitamin can be equally well provided by the use of green foodstuffs. I think what we should look at in considering the type of maize we are to grow is what type is going to give us the best return for our labour and the best yield. Undoubtedly, in some cases, that is yellow maize. Equally undoubtedly, I think in other cases it is white maize. The question has received consideration already from the Agricultural Production and Settlement Board, and the suggestion has been made that various districts should consider that particular aspect and it is for themselves to decide whether they prefer to continue to grow white maize or whether, under their circumstances, it might be better for them to change over to yellow maize.

The hon. member referred to the question of making it obligatory to use fertilizers and manures in return for guarantees that are given under the increased Production of Crops Ordinance. He will be aware that provision exists in the Ordinance to compel compliance with good farming practice as a condition to giving these grants. One of the difficulties that we have been up against and which we are going to be up against to an even greater degree in 1945, is the lack of adequate quantities of the right kind of phosphatic fertilizers. We had hoped that the position was clear for 1945, but it has become rather fluid again quite recently owing to the fact that the quantity of phosphates we expected to obtain from Uganda are not likely to be forthcoming. In these circumstances it is obvious that we cannot go as far as might be considered desirable in making compulsory the use of such fertilizers. The hon. member suggested that the Natural Resources Board was desirable. With that suggestion I agree, and I believe that it would serve a good purpose if one board were formed with representatives from the Land Board, Water Board, Soil Conservation Committee, and possibly other existing bodies, to consider and take action on the requirements in regard to the natural resources of this country.

(Mr. Blunt)

The hon. Member for Kiambu raised a major question in connexion with soil conservation in the native reserves, with which I intend to deal at a later stage in my speech. At the moment I will only take up the question raised in connexion with the proposed coffee legislation. She suggested that the objection to the present proposals were based on anti-monopolistic grounds. My own conviction is that organized marketing is absolutely essential, not only in the case of coffee but probably in the case of many other of our crops for export—(hear, hear)—if we are going successfully to compete with other countries after the war. The objection to the proposals is that people will be brought compulsorily into the scheme. It has been suggested that they are hostile in nature and monopolistic for that reason, but I would like hon. members to consider the other side of the picture. I personally have had experience in connexion with the Nyasaland tobacco crop, which in the main is sold through one organization, but there were a few people, very few, who stood outside that organization and were in the position to offer small parcels of tobacco, quite negligible in comparison with the total crop at the time the main crop was on the market. I remember one year a parcel of tobacco amounting to 12 tons was being hawked around the London market, which affected the country to the extent of thousands and thousands of pounds in the reduction it caused in the total realization for the whole crop. I believe there is every justification for the coffee planter. In general, of this country to require that there shall not be one or two people standing outside the organization who are able to wreck any organization trying to improve its marketing facilities. As for regarding it as monopolistic, I suggest that if the marketing of the coffee crop is in the hands of the majority of the coffee farmers, that can, hardly be called monopolistic, and that term should more properly be applied to the one or two individuals who stand out against the will of the majority.

The hon. member Mr. Beecher referred to the possibility that we might shortly have more maize produced than we know what to do with. That position does not appear likely to arise in the immediate future, but I hope that he is

right and that as a result it will be possible to take steps to secure a reduction in the maize acreage, particularly in the native reserves. I shall deal with that question at greater length subsequently, but I can assure him that it shall be only too glad to see at the earliest possible moment a reduction in the amount of maize planted in native areas. He referred to the question of the marketing of potatoes, particularly in the Rift Valley, and to the fact that Government did not guarantee to take native grown potatoes. That is perfectly true, and I think native growers were certainly advised of the position before the crop was planted. At any rate, I sent out a circular in February last to all agricultural officers instructing them exactly what the position was, and saying that no steps should be taken to encourage the planting of potatoes by natives in view of the fact that, if there was a surplus, Government was under no obligation to purchase. He also referred to marketing difficulties which had arisen, particularly in the Rift Valley Province. I think he is referring to places like Elburgon and Turu, where difficulties have arisen owing to the action that one or two traders in that area have taken. The matter has been taken up by my department with the Produce Control and I trust that there will be shortly a considerable improvement in the purchasing arrangements for these native potatoes.

Turning to the remarks of the hon. Member for Ukamba, I understand that he said that, he had been appointed to an Appeal Board under the Land and Water Conservation Ordinance and that there had been so far no appeals. The Appeal Board to which he refers is the board to which appeals may be made when an order which has been issued by my staff or myself is considered unreasonable. I hope, therefore, that he will not be troubled by any appeals of that kind. (Laughter.) All the same, I quite appreciate his point which was, really, that more legal action should be taken against offenders against the terms of the ordinance. Legal that is not to say that we are not doing our best and are not achieving some considerable results without any legal action. But I agree with him that there will be need, as soon as we have the staff to undertake it, to take

[Mr. Blunt]
 action against some of those persons who are not prepared to play under the terms of the ordinance and who have only with difficulty been persuaded just to keep within the law. He also remarked that in the estimates the funds for soil conservation work appear to be entirely inadequate. Taken as they stand in the estimates, I agree with him, but I have no doubt that he will remember that, in addition to anything that may be shown in the 1945 estimates, there is the application to the Colonial Development and Welfare Fund, which has been approved in principle, and which provides for a sum of over £900,000 for expenditure on work of this type during the next ten years. He wishes to see more progress than was indicated in these estimates, and there I am entirely at one with him. I have pointed out in this Council before that the difficulty is to obtain staff, and although one hears occasionally of staff which might be available and machinery that might be obtained, my inquiries so far in both directions have met with singularly little success. In fact, I have no more staff at work now than I had a year ago, but I can assure Council that if the opportunity arises for obtaining any more staff, since there is provision, I shall not let it go. I would just as much like as the hon. member to see that staff coming to the position when the money provided in the estimates is not sufficient and when we shall have to call on the contribution from the Colonial Development and Welfare Fund.

Turning to the point made by the hon. Member for Trans-Nzoia, he, I understand, pointed out that in his area, apart from erosion losses, there was considerable loss on the light sandy soil of the Trans-Nzoia through chemical action, and I believe he suggested that farmyard manure was not the proper answer. There I disagree with him. I agree that under the circumstances in that area small doses of farmyard manure are not of much value, and nothing less than a dressing of 8 to 10 tons, even running to 15, is likely to give satisfactory results.

MAJOR KEYSER: On a point of order, I did not say that at all. What I said was that to put farmyard manure on acid soil was a waste of good manure, or words to that effect, for it was lost from the acidity of the soil.

Mr. BLUNT: That was the point I was trying to make. Small doses under these circumstances are ineffective, although they might be effective under other circumstances, but a large dose will, I feel sure, give the results anticipated. The hon. member went on to mention the soil survey which was made some years ago by Mr. Gracie, and suggested that it should have been followed up. There I entirely agree, but we have not had the staff in the department to do so. Since Mr. Gracie left, we have only had one soil chemist, and for the greater part of the period he has been a member of the coffee team, and only as it were, by borrowing him from coffee has he been able to carry on other soil work in the country. There is no doubt in my mind that additional soil surveys are necessary, but I believe that even more important than that is that as soon as we have a soil chemist to put on to work other than coffee work he should investigate questions of improvement and maintaining soil fertility, and that work is of even greater and more urgent importance under present conditions than a continuation of the soil survey.

The hon. member referred to a one line vote in the estimates, anti-pest measures in the Trans-Nzoia, and wished to see an entomologist posted permanently for the investigation of that particular trouble. I believe that this post was first reported round about 1936, and in 1939 it was reported to be on the increase. It was not, however, until 1941 that an entomologist could be spared to undertake any investigations on the spot, and he then laid down certain experiments designed to find out the life history of the insect and to determine what was and was not a dangerous concentration of the insect in the soil, and to determine also what rotation might be satisfactorily used to minimize the effects of this melonhollow beetle. Those experiments are continuing, and even were an entomologist available to spend all his time on this particular work, I doubt if the solution would be found much more quickly. Although Trans-Nzoia and a small area of the Plateau are the only areas affected by this particular pest, similar pests are known in other countries and a considerable amount of work has been put into investigating means of overcoming them, but in no case do we find on record that

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 any really satisfactory method has been found. Chemical measures are possible, but far too expensive. The increase in this pest during the last few years is undoubtedly due to increased breaking of land in that particular area, since the natural habitat of the insect is the natural grassland in the Trans-Nzoia. It may be that in due course we shall find a satisfactory control that is practicable. On the other hand, it may be that it is an insect of the type which is not susceptible to direct control measures, and that the only solution of the problem will be the introduction of a rotation which will reduce its ravages. I hope that it is not the position, but I assure the hon. member that we are not letting up in our experiments and our efforts to find a solution to the problem.

The hon. member went on, I understand, to suggest that the use of an entomologist for locust work was an unnecessary waste of a technical man, and that a good organizer could acquire enough entomological knowledge in a short period to run the locust campaign satisfactorily. I held that view myself some years ago when I had the misfortune to be in direct charge of the locust campaigns in this country, but I have changed my mind, mainly as a result of further knowledge that we have gained during the course of the present outbreak. We have found that, although by and large baiting methods are successful, they continually break down in various areas for reasons not understood by the people using them; and we have found that only by the use of an entomologist to investigate and advise on the spot can we keep the baiting methods going satisfactorily. So much is that so that I have gone to very considerable lengths to beg, borrow or steal entomologists from other countries round about to have enough to ensure that the widespread campaigns of the past and now going on were properly supplied with technical advice and does not break down for lack of it. The hon. member went on to question whether the senior entomologist is pulling his weight. The senior entomologist started service in this country about 25 years ago and has worked in this country and in Uganda ever since and has done some first class work. For the last two or three years he has been medically unfit, and during that

period his output was certainly less than he or I would have liked. He has reached the time when he will doubtless soon retire, but even if he is unable to do all that one might hope for him to do all the position with regard to the entomological staff now is such that if we do not have him we shall have nobody in his place. Both our neighbouring territories are extremely short-handed in the way of entomologists, and from our small resources here we have had to promise assistance to them if they should require it, since I obtained entomologists from them to work on locust campaigns. Entomologists are not to be picked up everywhere.

The hon. member then went on to talk about the question of food storage, and I am going to leave my hon. friend the Member for Nairobi North to deal with that question. I would only like to say one thing upon it. I understand it was suggested that stores have been put up and are being used that are unsatisfactory. That may be so. They are not, of course, of the standard we would like to have, but I would point out that the highest loss in storage that has taken place up to the present is less than 6 per cent, and that arrangements are in force whereby all cereals in store are turned over within four months, or five months at the outside, and I think it is very creditable to those concerned, who have been faced with very difficult storage problems, that they have been able to keep within that very low limit of loss. He further went on to ask if there were adequate food reserves in the country. I am not able to quote figures, but I can say that the position now is much better than it was, I am hoping possible some twelve, or even eight, months ago. At that time a target was laid down of the amount of food that we should like to have in store at the end of a cereal year. That target was almost beyond the bounds of possibility, or appeared to be, at that time, but in fact I was informed only three days ago that on present calculations it is estimated that no less than four-fifths of the target will be in store at the 30th September next, and I feel quite on the cards that the full quantity will be in store if Uganda production comes up to present expectations.

Now, I should like to deal with the major question connected with soil con-

[Mr. Blunt] reservation which was raised by several members on the other side of Council, including the hon. Members for Kiambu, Ukamba, Coast and African Interests. The hon. member Mr. Mathu remarked that it was not too late and that we could save the soil in the reserves if proper provision was made. I agree. It is not too late, but it is a matter which can brook no further avoidable delay. It is a matter which would have been taken in hand before this, of that there is no doubt, but I have been in the unfortunate position of having to agree, as we have all had to agree, that in spite of its effect on the land, both European and native, the position was such that we had to go in for the maximum production of cereals. In consequence of these efforts to get the maximum production of cereals, the damage to the reserves and the deterioration of native lands has been extremely rapid during the last four years. It has got to be paid for, and has got to be put right. The hon. Member for the Coast suggested a figure of 50 per cent fertility loss. I find it difficult to give any satisfactory figure, but I am quite prepared to believe that it is no exaggeration of the position, and that within the last two years the productive capacity of the native reserves of this country may well have gone down by at least that amount. In spite of the efforts of the staff of my department, and they have been very considerable and untiring in the reserves, we are, I am afraid, still losing ground. The hon. Member for Kiambu pointed out the need to move populations, and asked if I visualized the entire reorganization of agriculture in the native reserves in the future. It was a straight question and I will give her a straight answer: I do. (Hear, hear.) I may be forgiven if I may mention certain points which I made in a recent memorandum that I wrote on post-war agriculture in the native reserves.

In connexion with the plan put forward and the funds granted by the Colonial Development and Welfare Fund, it appears to me that, in order to make the best use of the staff to be provided surveys must be made to determine certain facts in connexion with each area in the native reserves before we know how to set about that area. It is quite clear that it is no good trying to treat an area in Ukamba in the same way that

one would treat an area in the higher reaches of Fort Hall. I believe that we have to have a definite survey area by area by an agriculturalist, an economist, a soil conservation officer, a soil engineer, and, I trust, by a hydraulic engineer. We have to determine first of all the population that can be carried on a particular area of land at a standard of living which is considered to be reasonable. Then we have to determine the stock population that can be carried with that human population. We have to determine the type of farming that ought to be undertaken and, as I pointed out, that will not necessarily be the same in different areas, but will range from small-holdings in the higher rainfall area to some form of communal or clan arrangement in the dry areas. We have to determine what we are prepared to do in the way of land tenure to meet the needs of the particular type of farming that appears to fit the area. We have to determine the proportion of cultivation to grazing and the type of food crops that should be encouraged. We have also to consider the question of cash crops and the extent to which it is desirable that they should be encouraged in addition to the production of a surplus of food crops for sale.

There is large scope for a determination of the necessary soil conservation engineering works; equally important is the development of water supplies by dams, drills and other methods. We have to consider the type of land and the swamps in the area, whether they ought to be drained or whether they should be cultivated or how they should be used; and we have to consider what irrigation possibilities there are, and, if there are any, how irrigation is to be organized, and what is to be the form of tenure of the irrigated area. We have to take into account the desirability of tree planting and the type of ownership and management of the plantations suitable. We have to consider methods of improving grazing areas and numerous other things, such as the question of salt licks for cattle, mineral supplies for human beings, additional inspection and marketing services and communications. And with all these we have got to take the African inhabitants with us. It is clear to me that no effort which we can possibly put into the reserves will be adequate to deal with what has to be

[Mr. Blunt] done unless we have the wholehearted support of all the population, and that at the moment is one of the important aspects of the whole problem. We have got to carry the African with us, and if we can do so I have no doubt we shall achieve success. If we do not I can foresee no hopeful future for the native reserves. It is not apparent at the moment how soon we can get on with this development on the scale that we hope to do, but we have the provision financially, and as soon as we can get and train the staff required we can assure this Council that as far as I am concerned—and I think I can give the same assurance for Government—there will be no unnecessary delay. (Applause.)

MR. DAUNBEY (Director of Veterinary Services): Your Excellency, in his able and comprehensive review of budgetary activities the hon. Member for Nairobi South referred to the Northern Frontier District and Turkana, and he expressed the hope that something would be done to transform those districts from their present status, that of an economic liability, into an economic asset, and in that connexion he referred to the results that might accrue from a geological survey. I am not in a position to discuss the value of a geological survey, and it is quite conceivable that prosperity may come, shall we say, to the Turkana district as a result of a geological survey and subsequent development of mineral resources; but whatever comes from a geological survey, the prosperity will be local and localized, and will not be anything in any way to affect the mode of life, the hardships and the difficulties, with which these pastoral peoples have to contend, since it is in their pastoral pursuits that they must still engage and earn their living. There are 90,000 people, I suppose, in the Northern Frontier District, and they have some 650,000 cattle and two million head of small stock—sheep and goats. As for their economic importance, the Officer in Charge, Northern Frontier District, estimates that during the first four years of the war the District supplied live stock either to the armed forces in the field, or to the Live Stock Control, or export for consumption elsewhere in the Colony, to the extent of about 90,000 head of cattle and 1,200,000 sheep and goats. Those exports

are still continuing, and I would point out that during two years of this period the Northern Frontier District suffered extremely from a prolonged drought, many thousands of cattle died, so much so that the people in general show a marked tendency to change over, to sell their cattle, to change over to sheep and goats and camels, which are more able to withstand drought. In spite of all this, I think this was a production of first rate importance. (Hear, hear.)

It will still remain in the post-war period for Government to give some assistance to these pastoral peoples. How can that assistance be given? In the first place, by helping them to avoid losses from preventable stock diseases; secondly, by enabling them to raise their animals on a higher plane of nutrition by opening up additional grazing made available through the provision of new watering places; and, finally, by the provision of some marketing organization for their exportable stock. With regard to the first, a veterinary survey has been in progress for the last six months, and we hope as a result of that investigation to acquire sufficient information regarding the needs of these people for veterinary services to enable us to frame a satisfactory service for them in the future. Dr. Dixey, the hydrographical expert, has toured the area to survey its water resources, and the agricultural officer in charge of grassland accompanied him. Both have presented reports, and Dr. Dixey has drawn up a comprehensive scheme of development for the water supplies of the Northern Frontier District, Samburu, and Turkana districts. That scheme is under consideration by Government. It is a very comprehensive scheme, but I feel sure that it will later be the subject of an application for assistance under the Colonial Development and Welfare Act, and that in the post-war period we shall be able to effect very considerable improvement in the water supplies of those areas. The Officer in Charge lays very great stress, as I do myself, on the need of maintaining ample facilities for the marketing of the Northern Frontier District stock after the war is over, since it is upon the marketing of this stock that the people depend entirely for their cash incomes.

Marketing of live stock is one of the most important problems that we have to settle in our plans for post-war

[Mr. Daubney] From three-fifths to three-quarters of this country is pastoral in nature, suited entirely to the grazing of stock. The remaining portion, including the agricultural reserves and agricultural portions of the settled area, must depend for the success of any farming system on our ability to work live stock into conservative farming practice. One looks to the agricultural reserves and to the more fertile parts of the settled area to develop an intensive dairy industry, with the complementary activity of pig production, and one hopes that from the pastoral areas we shall be able to supply the meat consumed in these more densely populated areas under a marketing system. Unless we have such a marketing system, our plans for the development of a farming system which will revolutionize agriculture in native reserves and the settled areas are, sooner or later, doomed to failure, and sooner almost than later. Again I would say almost the same thing as the hon. Director of Agriculture said before the interval. In developing the marketing of stock, we need the co-operation of the native. Until the native can be brought to understand that regular marketing of stock, we need the co-operation of the native. Until the native can be brought to understand that regular marketing of the stock produced is an essential feature of farming practice, we shall be unable to effect any great improvement in the system of agriculture in the native reserves. I hope it will be possible to arrange this marketing through a central organization, which to all intents and purposes will be co-operative in that it is acting entirely on behalf of the producer, and that through that agency we shall be able by better distribution to increase the capacity of the market to absorb the stock, so that at any rate for many years to come there will be no need to consider the development of an export trade at the low prices that are likely to be received for our class of native stock. (Heat, hear.)

The hon. member Mr. Beecher referred to game in the Masai Reserve. He mentioned that wildebeest were responsible for the transmission of disease to the Masai cattle. The disease is not contagious abortion as he suggested, but is known as malignant catarrh, and conveyed to the Masai cattle through the agency of the wildebeest. Does cause loss. But, looking at

the matter from a rather wider point of view, I do not believe the transmission of that particular disease is of nearly such great importance to the future of our farming industry as the transmission of two major diseases, rinderpest and east-coast fever by certain large game animals. It seems in the case of these two diseases we feel that we are approaching the point when we can eradicate rinderpest certainly, and by means of universal dipping we can control east coast fever at a very, very low level of infection indeed. We must have an efficient farming industry, and efficient industry cannot tolerate the fortuitous losses sometimes on the grand scale that results from the intervention of game animals in the transmission of disease. Before I leave that point, I would say these large numbers of game compete with the native live stock for grazing and water in the pastoral areas. In the dry season that is a very serious factor indeed, one which reduces the condition of the cattle much more rapidly than they would lose condition otherwise. The Stockowners Association have made representations during the last few months to the Game Warden regarding the possibility of effecting some amendments to the game laws to make those laws an instrument of control than an instrument of preservation. I understand that the Game Committee will shortly produce a report, and I hope that in that report the area selected as a national game park will be demarcated, and that once that area has been set aside as a national game park we shall be able to review the relationship between development, particularly native development, since European development is not so seriously affected, and the present game reserves, and not the least important, is that connexion is the game reserve in the Masai Reserve.

The hon. member Mr. Mathu and other members made references to the salary scales that are laid down for African graduates of Makerere in the various departments. He asked roughly for two things—salary scales more in conformity with the qualifications held by these graduates, and a greater number of overseas bursaries which would enable educated Africans to proceed overseas to take degrees and to return and take up appointments in this country. I am not referring to the particular instance cited with regard to the appointment of a biochemist at the

[Mr. Daubney] (Mr. Daubney) Medical Laboratories, but I should like to make a few remarks on the subject of Makerere College graduates and the future of this Colony. Neither I nor any of my colleagues in the departments that employ Makerere graduates would wish, I am sure, to reduce the scales of salary offered those graduates below the maximum that we can afford to pay. Several members in this debate and a previous debate have taken the line that these salary scales should be brought up somewhere near to the level of European salaries, and I would point out that the view that prompts statements of this kind is rather a shortsighted one and a rather limited one, which counts only the needs of the graduates whose appointments are being discussed. I suggest that there is a much wider issue. We who employ these graduates feel that the great need for many years past of the native areas in this country has been for more teachers, more doctors, more agriculturists, more veterinarians, more people to teach the native how to farm his stock, how to look after his children, to educate him generally, to teach him how to live, to get the best out of his rural environment. It has never been possible to provide sufficient European officers of these categories to accelerate the rate of development to the desired degree. Moreover, those Europeans have with the African in the reserves as we find the Makerere graduates can do when he returns to work after qualifying. I believe that it is essential that we should not try to create a privileged class of intelligentsia segregated from the rest of the African community. Those people of what we term the professional classes should be in touch with the community they are designed to serve so that their progress upwards to a greater degree of material prosperity will go hand in hand with those people with whom they should take their people along with them. I believe there is a great deal of misunderstanding about the importance of salary levels arising from the fact that they are so often compared with English conditions. England is a country that has been through an industrial revolution, that brought the needs of the people to a much higher level in terms of money and higher salaries—

MR. BEECHER: On a point of order, I am very sorry to interrupt the hon. member—

HIS EXCELLENCY: A point of order or of explanation?

MR. BEECHER: Of explanation, I beg your pardon. No question of European salaries, for these graduates was ever raised by the hon. member Mr. Mathu or myself. The request was for non-European unified terms of service.

MR. DAUBNEY: I accept the hon. member's correction. I was not imputing to him that he had mentioned European salaries. I was referring generally to this debate and to a previous debate on a motion concerning African development, and I was trying to correct what I thought was a tendency to lose sight of the advantages that are to be gained by the many from the education of Africans in Makerere up to these professional standards, a tendency to lose sight of that advantage in pressing to the advantages of the matter of higher salaries. I am afraid that I have not made myself very clear, but I would remind you of Goldsmith's 18th century village parson who "was passing rich on £40 a year", and that is the comparison between pre-industrialized England and the industrialized England of to-day. In this country we have had us yet no industrialization, and it is very unlikely that there will be on any large scale. Salaries that are reasonably small may serve in a rural environment, and may enable you to have in many of these servants of the State in that rural environment that the progress of the people as a whole will be greatly expedited.

I have only one more thing to say. The hon. Member for Trans Nziya said some very kind things about me. I should only like to thank him, and to add that I have enjoyed my work in this country. Not the least factor in contributing to the pleasure that has been gained out of the work has been the prompt and generous appreciation of the European farmers with whom I come in contact in the course of my work, and the ready acknowledgment of any small service one has been able to do for them. (Applause.)

MR. PAROO (Eastern Area): Your Excellency, owing to unavoidable domestic circumstances I absented myself from attending the Council last week.

[Mr. Paroo]

and perhaps I am not fully aware of the points raised by the previous speakers. Therefore, I shall have to ask the indulgence of the Council in case I repeat some of the comments which have already been made. I can, however, assure you, sir, that I shall try to be as brief as possible. It has often been said that this budget session gives members of Legislative Council opportunity to exhibit their oratorical power or, if they are not qualified in that direction, at least to give full exercise to their lungs by speaking even on irrelevant matters. I have no desire to indulge in either. Moreover, for the representatives of the Indian community it is futile for them to waste their breath. Although it is a sad commentary to make, generally their suggestions fall on deaf ears. I have, however, to perform my duty and I shall try and put forward a few points which I consider have not been covered in the draft estimates which are now before Council.

First of all, I should like to refer to a few questions which I asked and which were answered last week. At the end of the week before last, the first question I put was in connexion with emergency cases for which medical attendance cannot be found in the Native Civil Hospital at Mombasa. The question I put was whether Government was aware that no arrangement exists at present at the Native Civil Hospital, Mombasa, for emergency cases requiring immediate or urgent medical attention. The answer given by the hon. Acting Director of Medical Services was that it is not the case that arrangements do not exist at present at the Native Civil Hospital, Mombasa, for emergency cases, as a medical officer is always on call and is summoned by telephone when his services are required. In order to contradict the answer given by the Acting Director of Medical Services, I should like to cite four examples which have come to my notice during the past two years. About two years ago one Indian gentleman tried to pacify a quarrel among some natives, but he got stabbed, and was brought to the native hospital at about 7 p.m. Telephone calls were put through, but no medical officer was to be found, not until he died at 10 p.m., and his relatives alleged that his death was due to his not receiving immediate

medical attention. The second case was of a child who was bitten by a snake. He was brought to the Native Civil Hospital at 6 p.m. No medical officer was to be found and the relatives, fearing that the poison might spread, had no other alternative but to take him to a private practitioner, but no Government medical aid was to be found immediately. There was a third case in which a child of a very prominent citizen of Mombasa met with an accident on a bicycle, the bicycle having collided with a motor car, and it was necessary to perform an operation. This child was brought to the hospital. As you know, there is no other operating theatre in Mombasa. The private practitioner persuaded the nursing sister who was in attendance there to open up the operating theatre and that private practitioner performed the operation in the operating theatre, but no Government medical officer's assistance was to be found. There was a fourth case, which happened only five months ago, when a taxi driver was stabbed and was brought to the hospital at 11 p.m. and no medical officer was to be found until 7 a.m. the next morning, and he also died.

If this is what the hon. Acting Director of Medical Services calls the arrangements which exist, I think these four examples will fully illustrate that it is not the case. He does admit further on in his answer that Government agrees that it would be preferable for a doctor to be resident on the hospital premises, but that it is not practicable at present. The reply goes on: "It is, however, intended to incorporate quarters for a resident doctor in the plans for the new hospital which is projected for Mombasa." Sir, "it is intended" and "it is hoped"—we have heard of it for generations now that a group hospital is going to be erected in Mombasa—we have heard of this for 25 years, and when my constituents complain about this, because I have faith in Government's promise I tell them that they have waited for a generation, now it will not be very long. They will probably have to wait one more generation or until I become a grandfather. We are shown the moon in the mirror, but when that moon will come down on earth, God alone knows. As regards the other facilities for Indian patients, in the wards in the Native Civil Hospital I think the least said

[Mr. Paroo]

about, that the better. I would suggest that the hon. Acting Director of Medical Services when he falls sick next time—although I do not hope he will—instead of going to a European nursing home he should just try and spend a couple of nights in the Indian wards which are in existence to-day in the native civil hospitals in the Colony. I would summarize the hospital question by just saying that it is a sin to die in an Indian ward of a native civil hospital of this Colony.

The second question I asked was in connexion with the starting of a teacher training class in Mombasa for females, similar to the one connected in Nairobi. As usual, the Government reply, which was given by the hon. Director of Education, was that owing to shortage of staff capable of taking charge of teacher training classes it would not be practicable in 1945 to conduct more than one such class for Indian students. I contend that there is no will on the part of Government to have such a teacher training class in this Colony. I consider it is a short-sighted policy. On the one hand it is recognized that there is a shortage of staff, particularly female staff, in the Colony, and on the other hand steps are being taken to import large numbers of teachers from India, whereas if they wished they could obtain the services of one teacher to train the local girls and could then absorb these girls into the teaching staff of the Indian schools in the country. I have read reports of the Inspector of Schools that those girls who qualify themselves as teachers have proved very capable, those who have been trained locally. I think it is a short-sighted policy to wait for the time being when it is just a matter of endeavouring to get one teacher to start a similar class in Mombasa, and I do not agree with the hon. Director of Education that there is no need or no desire for students to be qualified as such.

Referring to other educational matters, so far as Indians are concerned, I know that the Indian education vote has been increased from £61,000 to £83,000, but I am not so glad as my hon. friend Mr. Patel, who has indicated that that is a satisfactory position. At the moment there are 6,000 children who are attending Government schools, and the cost to Government is £7/10 per annum per

head on average attendance. There are about 3,000 children attending grant-aided schools or private schools, for which the cost to the Government is only £3 per head per annum, and that is also on the attendance rate. There are no boarding house facilities for Indian students in the country, and the physical training side of the Indian students is being absolutely neglected everywhere. There are at least two schools in my constituency, one at Mariakani and another at Malindi, where the number of students is 45 and over 50 respectively, and these schools only get £3 per head per annum aid from the Government. The rest of the burden is on the Indian community. I should like to suggest that at least these two schools should be taken over by the Government during 1945.

I also notice there is no provision for erecting a building for the elementary school in Mombasa. Perhaps it might be interesting for Council to know that not a single cent has been spent by Government on the erection of any school building for Indians in the coastal area. There are three large schools in Mombasa, one secondary school for boys known as the Alidina Visram High School, and that school building was donated by the late Mr. Abdulrasul Alidina Visram. Not a single cent has been spent by Government. There is an Indian Girls' School at Mombasa, and a few years back Government said that they had no money to erect a building and, therefore, a private Indian limited company was formed simply to erect that building and it is being rented by Government. There is an elementary school which has not sufficient accommodation to take new students. I understand there are several applications on the waiting list, and that school building is also rented from a private individual. Not a single cent, I repeat, sir, has been spent by Government on educational buildings in the coastal area. I know the answer the hon. Director of Education will give, and that is that all these things are being planned in the five year plan. I again say, sir, it is the moon in the mirror.

The third question I had asked was about the reoccupation of requisitioned premises. It appears to me that the hon. Financial Secretary has not clearly understood my question. What I asked was: "Will Government state if it is

[Mr. Paroo] the activities and the audacity of these native criminals. Very subtle and cunning and ingenious methods are adopted by the criminals, and there is a great cry in Mombasa for the security of the public. I have often wondered why in these native criminals learnt such ingenious methods of crime, and my information is that they learnt them by going to see American and British movies. (Laughter.) Perhaps this is the first lesson a native has learnt from western civilization, a civilization which is so much advocated as suitable for this country. I should like to agree with the remarks made by the hon. member Sir Mathu when he paid tribute to the London policeman. Any foreigner who goes to London, the first impression that he gathers is of the courtesy and helpfulness of the police in London, and generally in England, but I should like him to agree with me in stating that the most discourteous police force he has ever seen is in this country. (Members: No.) I should like to give an example.

Only three weeks ago a native appeared to be drunk and was lying in the street. An Indian gentleman who passed by thought he should report it to the police. He telephoned to the police station, and nobody came. Twenty minutes later, he sent another call, and again 20 minutes later an ambulance came with a couple of *askaris*, and that gentleman who had telephoned was waiting on the scene, keeping the crowd away from the native who was lying more or less unconscious on the street. As soon as the *askaris* came, they began to question that Indian gentleman as if he were a criminal. They asked, how did he know the native was drunk? Again, he was asked, where did he get the drinks from? Such questions were put by the *askaris* to the Indian gentleman, who had merely passed on the information for the removal of the man lying in the street. These *askaris* got very discourteous. Then a few minutes later the native was carried away to hospital or somewhere else, and this Indian gentleman went to the police station to report the discourtesy of those *askaris*. There again he met discourtesy from the European officer in the police station. Probably they did not like to be disturbed by such information from their afternoon's slumbers, both the *askaris* and the European officer. However, it is

proposed to take the necessary steps to ensure that the premises which were requisitioned for use by the armed forces and other wartime organizations, when vacated or released to tenants, the tenants who had to vacate in pursuance of requisition orders will be given preference by the landlords to occupy such premises at the rent paid by such tenants on the date of 'requisitioning the premises?' The main point was whether first preference would be given to the old tenants to occupy those premises when released, as they were forced to vacate under the requisitioning order and it is only fair to give an assurance that steps will be taken to see that they would get such preference. Instead of that, the answer given is such that I do not understand what it means. I hope the hon. member will enlighten me. His answer was: "As at present advised the Government does not propose to take any steps to alter the existing legal position." A very diplomatic answer. I do not know what the legal position there is. At the moment a landlord cannot charge a higher rent than what he could get under certain circumstances on 3rd September, 1939, which is a safeguard to the tenants, but no assurance has been given that the old tenants will go back to the same premises when those premises are released. I think it is very unfair on the part of Government that they forced people to vacate under a great many difficulties at that time, and that when the premises are released the old tenants do not get any preference to reoccupy them.

As regards Building Control, in the light of the changed war situation and in view of the acute shortage of buildings, there is a strong public demand to effect considerable relaxation in that Control. People at the moment are living, I am sure Government is aware, in very much cramped conditions, and I am sure those conditions must be injurious to the public health. As regards the Police vote the hon. Member for Mombasa has already voiced the situation obtaining in Mombasa, that the people of Mombasa have to live in an unsecured position fearing the theft of their property, and even personal attacks, by criminals. I am aware that there was some reshuffling made among the police officers, but that has changed nothing or diminished at all

[Mr. Paroo] gratifying to notice that the police vote is increased from £211,000 to £249,000, and let us hope that the public will feel more secure by additional police personnel.

I should now like to refer, to my pet subject, of giving agricultural training and agricultural settlement for Indians. I am sure the hon. Commissioner for Lands and Settlement will say that I know all possible is being done. I am aware that something is being done, but not very much. I want him to admit, as he did not admit last year, now that he feels convinced that there is an inclination on the part of Indians to go in for agriculture, for settlement on the land, and for agricultural training. I know something is being done, but I should like to express the views of the Indian community, that they are not merely anxious but impatient over these matters. I should like to allude a little to the Asian Civil Service. I do not propose to put forward any brief on their behalf at the moment, because I know Government has representative committee and has already appointed a representative committee to look into the terms and conditions of the local Asian Service. I therefore do not wish to touch on that point, and at the same time I know that the Indian Elected Members Organization has also been given an assurance that certain injustices in the terms and conditions of a few artisans engaged in the Public Works Department at Mombasa and Nairobi will be examined by a committee. I should like, however, to bring to light a sad story of six young clerks, four of them Goans and two Indians, who were originally engaged by the Customs Department and subsequently transferred to the Imports Control Department. The story is this. In August, 1941, the Customs Department advertised posts of probationers in that department, and these six young lads, in answer to the advertisement, had an examination and joined the Customs Department, at a salary of £4 per month during the probationary period of one year. They left more lucrative jobs, and just wanted to have the honour of being in the Asian Civil Service. A year later, just before that probationary period expired, when the Imports Control came from Mombasa to Nairobi, these six young lads were asked to go to that department, and they readily agreed. Now they

are still in the Imports Control, but when it is closed, which it is bound to be, after the war they want to be assured that their service in the Customs Department will be maintained. They have had correspondence but no assurance has been given them that they will be taken back into the Customs Department. I should like to suggest that this case is also examined by this committee which is being appointed to go into the terms and conditions of the Asian Local Civil Service.

I do not propose to touch on the subject of the innumerable Control and Controllers. These Controls and Controllers are established and graded under the various Defence Regulations, but I feel the time has now come to examine the Regulations now existing in the country, and to try and get them repealed as is found necessary. While these Regulations require to be examined, I should like to urge upon Government that the restrictions on trading licences should be removed. It is a great hardship on the people who had trade licences before and who had traded for some years, but for certain reasons had closed down or had ceased their activities in trading, and now when they wish to get licences find that they cannot do so. The position of that they cannot do so, should be considered. There are thousands of Indians who have resided in this country, there are thousands of lads who wish to go into trade, who were born in this country, but they are refused trading licences. There is no other scope for the Indians in this country, and this scope should not be closed. Government has appointed provincial committees to decide upon applications for trade licences, but this has created even greater misapprehensions in the minds of the people, and I think there is a large number of applications for trading licences because there are in force these restrictions. The Uganda Government did follow in the footsteps of Kenya in restricting trade licences, but subsequently and wisely removed that obstacle, and I am informed that there is no rush to take out trade licences in the Protectorate. This would probably be the case in Kenya if the ban is removed.

I am rather interested in the financial aspect of a Control known as the Produce Control, and I should like the hon. Financial Secretary to throw some light

[Mr. Paroo] on the revenue and expenditure of this Control, as there is an impression in the minds of some people that it is the most profit-making Control among all the Controls which exist in the Colony today. As regards native policy, I do not like to dwell upon it at length, because it is a well known fact that there is a dual policy which is being pursued in this country by officials and non-officials, but on behalf of the Indian community I would like to assure the representatives of native interests that the Indian community have only one policy, and—that is—that they recognize that the indigenous population of this country have the prior right in this country, and their aspirations for social, economic and educational advancement, and even in the political sphere, must have first priority, and the Indian community is always in sympathy with them and is prepared to give all possible assistance. There is only one item in these estimates on which I should like to congratulate the hon. member of the media, and that is the item of expenditure of £100,000 towards a reduction in the cost of food-stuffs. I do not know how far the Indian community is going to benefit from this. I know that a subsidy was agreed to and approved this year, in respect of converting butter into ghee, and a contract for that purpose was given to a European firm. The conversion of butter into ghee costs a rather high price, but the ghee was being subsequently sold at a cheaper rate than the cost. But the ghee produced by this firm which has just come in the market has been found to be something else than ghee.

Before I conclude, I should like to assure Your Excellency of the desire of the Indian community to play its part, if opportunities are given on equal status and not in degrading conditions, in the progress and development of this country which thousands of them have made their country of adoption and for which they feel proud.

[DIRECTOR OF EDUCATION (Mr. Foster): Your Excellency, before I reply to the several interesting points made by hon. members on the opposite side of Council in regard to item 10 of the draft estimates, I would like to thank Your Excellency and hon. members for the very kind welcome extended to me as a newcomer in this Council. I should also like to add my

tribute to that already made by Your Excellency to the work of my predecessor, and also to express the hope that he may soon return to perfect health. (Hear, hear.)

The hon. Member for Nairobi South made a touching reference to the 23 years' hard labour undergone by our Department in its endeavours to obtain a girl's high school in Nairobi, complete and separate in its own buildings. I imagine the hon. member might not have intended this as tribute to anybody, but I nevertheless think that it is a matter for congratulation that my Department has not wavered for nearly a quarter of a century in returning to the attack year after year. The hon. member will no doubt be aware that nothing very much separates us now from the attainment of our goal but the general question of building costs and sanction to incur the expenditure. I share to the full the obvious anxiety of the hon. Member for Nairobi South in regard to this matter. It is our duty to provide educational facilities to the youth of this country. I understand and I realize fully that this duty is strictly controlled by the ability of this Colony to pay the bill, but where compulsory education applies we are under a legal obligation to provide facilities, just as all European parents, and Indian parents in certain areas, are bound by law to make use of them.

Your Excellency will I hope, excuse my observing that this perpetual struggle by my Department to obtain the means and the buildings to keep even neck and neck with this insistent demand is not always appreciated by the general public. Buildings miraculously appear after a hard fight, and nothing is said about it, but when shortages exist the air is somewhat electric. I hope my hon. friends on the other side of Council have noticed with considerable anxiety that what should be a full-blooded and vigorous organization of Government is fast becoming an exhausted band of impotent, and I hope, not entirely unsuccessful supplicants.

I am grateful to the hon. member Mr. Patel for his considerable forbearance. The several educational issues which are disturbing the minds of my community are being investigated by me at the present time, and I can assure the hon. member that early action in

[Mr. Foster]

regard to them is promised. The question of sites for buildings for new Indian schools is not omitted from my planning nor from the present draft estimates. I confess we seem to have been remiss in the past in not having framed any definite policy in regard to our responsibility for Indian education in the small centres of this country. I agree entirely that this must be remedied, and I rely upon the hon. member and his colleagues on the Indian Advisory Council on Education to assist me in putting this matter right. I personally welcome the hon. member's suggestion that the Government of India should be invited to loan an educationalist of eminence, I think was his expression, to advise this Government on Indian vernacular education.

I agree with the hon. member Mr. Mathu that the provision for African education is entirely inadequate and that the position is serious. I can promise him, as far as my Department is concerned at least, that our plans for remedying that state of affairs are likely to take away the breath of even those who administer the Colonial Development and Welfare Act. (Laughter.) There are, however, certain prerequisites which are quite inescapable. I must have men and women trained as teachers in very large numbers before any appreciable spread in education can be made. That fact must be faced, and I am not going to get those men or women unless terms of service exist which are likely to attract them. (Hear, hear.) This is a matter which is now receiving attention. When a really sufficient supply of trained teachers, men and women, is available, I can assure the hon. member that I will be the first to welcome the application of compulsory education for African youth in Mombasa, Nairobi, Nakuru, and Kisumu, and the staffing and, if possible, the directing of grant-aided schools on farms for squatters' children. (Hear, hear.) I am glad that the hon. member attaches due importance to the education of women and girls, and appreciates the efforts which my department has made in regard to this. I would, however, go very much further than the hon. member, for I do not regard any sound advance in education or in the standard of living or in the ability of people to appreciate the teaching of the

various social services possible without a vast progress in the education and the emancipation of the women of this country (hear, hear) since it is a truism that women in the long run control the acceptance of new ideas in social reform. Development plans have taken into account the need for providing secondary education for Africans at the coast and elsewhere.

In regard to the question of overseas bursaries, I did not know the hon. Director of Veterinary Services was going to touch on this particular educational issue, but nevertheless I wish to add to his reply. I suppose that the first purpose of overseas bursaries is to provide for the young people of this Colony to obtain educational facilities overseas which are not readily attainable or available in this country. The Africans in Kenya are in this respect very much more fortunate than many, for they have a number of first class facilities provided at Makerere College in Uganda which are not immediately available to other members of the settled communities in this Colony. The hon. member will no doubt agree that, all things being equal, advantage should first be taken of the facilities provided on our very doorstep, and at considerable cost to this Colony, before African youth seeks generally to go overseas. I am, however, very much in sympathy with African aspirations to obtain registration in and easily recognizable qualifications in the various professions and vocations and, where these can only be obtained with advantage to the student and to Kenya by going overseas, I personally would support the hon. member's plea for overseas bursaries for the exceptional and very brilliant student.

The hon. member will appreciate that the appointment of African inspectors of schools, which I very much want to see take place, depends entirely on the availability of the right type of man and the opportunity to relieve him from teaching for this most important work. The hon. Member for Kiambu have both shown very real concern lest progress in the education of women and girls should be held up. They are absolutely right, and the Member for Kiambu does not overstate the case when she says that the value of education—I hope I am quoting her correctly—will be largely wasted un-

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[Mr. Foster] the less standard of life in the home is raised. I can assure the hon. Member for Kiambu that so far as I am concerned I shall press at all times for the spread and development of this side of my work. With reference to the inquiries made by the hon. Member for Kiambu as regards overseas bursaries, it is I am sure our desire that the young men and women of all our communities who are genuinely in need of assistance should take advantage of any funds made available by Government to fit themselves for further education and training to fill any of the posts in Kenya for which we normally recruit from overseas, and this surely will not exclude the training of young men and women for welfare work among Africans. The hon. member referred to a French training college and the modern secondary school for European girls. She will find that under Expenditure Head '10, items 9 to 10 refer. These services, I think, will go a long way to provide the girls of this country with useful and practical employment of the kind to which the hon. member referred.

The hon. Member for Mombasa asked for details regarding the proposals to further the education of women and girls, and I take it he referred particularly to African women and girls. We have virtually to start from scratch, namely, to get the girls to go in larger numbers to existing schools and at the same time, to train the best of those who are in these schools as teachers. If they are willing to be teachers. Thereafter we must hope for rapid and vigorous development, particularly in teacher training. To this end funds have been made available under those provided from the Colonial Development and Welfare Act to enable us to employ three Organizing Instructors from England for teacher training, physical training and domestic science, and also three women to be principals of teacher training centres—one for Nairobi, one for the Central Province, and later one at the Coast Province. So that no time may be wasted in waiting for buildings to go up, we are starting in buildings made available to us by one of the missionary societies at Kabete on 1st January, 1945. (Applause.) The hon. Member for Mombasa referred to proposals to train a larger number of

Modern teachers in Zanzibar, and questioned that a large number could be trained for £100. The Zanzibar Government charges only £20 per annum to train a primary schoolmaster for this Colony, and while it is technically correct to say that five is a larger number than two, I agree that "large" is in the circumstances perhaps a generous epithet.

I am sorry to hear of the expense to which one of the hon. member's constituents has been put in placing her son in lodgings in this town. I think I know the case to which the hon. member refers. The child is only nine, and facilities exist in Mombasa for education up to the age of eleven. Unless I have been incorrectly informed, I would suggest that this journey would not appear to have been absolutely necessary. In regard to free railway fares for school children, the hon. Member for Mombasa will perhaps be aware that Kenya school children travel at a quarter of the ordinary fare, and that whereas all other passenger concessions have been withdrawn during the war this one alone has remained. The cost of travel therefore is very very low. The Uganda Government, which was another power that raised, provides free railway fares in all such cases; the Tanganyika Government free railway fares in some cases. These fares are paid by the Education Departments of the territories concerned, for I understand it is the policy of these Governments to deliver the children to the door, so to speak, of those institutions in Kenya which provide facilities not at present available in the territories concerned. The Rev. the hon. Mr. Beecher, and referred to the black spot, Kibera, and referred to the needs of the people there for a school. I understand two Kamba teachers were indeed sent to open a school, and also that they knew Swahili very well; that the school was under regular supervision by the headmaster of the Government School, Pumwani. He received, I am told, no support whatsoever from the people in regard to that school. The buildings are said to have been used for *ngomas* and gin parties, and as no undertaking was given that they would mend their ways and support the school, not unnaturally the teachers were removed for more useful purposes and the school closed. I am, however, perfectly prepared to meet the leaders of

[Mr. Foster] at this community at any time they like to come and see me.

The hon. Member for Ukamba expressed his real concern about the delay in providing accommodation in the various schools of this territory. As I have already indicated, this matter of keeping pace with these insistent demands is a constant negotiation to me and my department. As regards the Hill School, Eldoret, further accommodation exists on this site but is not at present available. My original demand was for accommodation for 150 boys and 100 girls. Half of this accommodation was obtained as it was necessary immediately and is in use. I am now asking urgently for the balance, namely, accommodation for 75 boys and 50 girls. Government has also been told that still further accommodation will doubtless be wanted in 1945 in readiness for use in 1946, if indeed we are to meet the anticipated increase in numbers. I understand that there may be some hitch in the negotiations, and this I confess is making me considerable anxiety as the time is running out, but I am assured by Government to overcome these difficulties. The hon. Mr. Thakore referred to our neglect in the past in facing squarely the problems of Indian education. The hon. member quoted instances of deficiencies. All I can honestly do is to confess to the deficiencies and this, neglect with much regret, and to refer the hon. member to my previous remarks that these matters are being personally investigated by me at the present time and that early action has been promised. In regard to accommodation, the hon. member will note, by reference to the estimates for the Public Works Department Extraordinary items, that provision is made for a start on an Indian girls school in Nairobi, a primary boys school in Mombasa, new primary boys schools at Nairobi and Nakuru for the completion of the Indian school for Kisumu. Any savings, I am told, in the case of the Kisumu school have been used in providing additional classroom accommodation at that school.

The hon. Member for Trans Nzoia referred to the school certificate examination results in reaching this Colony. The hon. member will, I hope, appreciate that these are external examinations con-

ducted by the Cambridge University Examinations Syndicate and are in no way under the control or are the responsibility of my department or this Government. The answer scripts of these examinations have to reach England from all over the world, and they have to be corrected before a pass list can be issued. This takes time under war conditions. Furthermore, the original scripts are sometimes lost at sea by enemy action. Further delay then occurs while the duplicate scripts are awaited. I am sorry for the inconvenience caused to the parents who are the hon. member's constituents, and I can well understand the anxiety they suffer in regard to planning their children's careers, but I would suggest that the hon. member's constituents should perhaps congratulate themselves on having so valiantly carried on during five years of war conditions in England which, it may well be, are less tranquil than those obtaining in the hon. member's constituency.

MR. TRESCU (Rift Valley): Your Excellency, in your opening address to this Council one of your remarks was that the next year was a year of the consolidation of plans, and consequently I as a responsible person, naturally turned over in my mind whether there was any change of heart on the part of Government, that they were preparing plans which were going to grapple with this very great, the foremost, problem of all — soil erosion. Where there plans which were spreading rapidly throughout that are spreading? Were they being the nation, in a spirit of a crusading nature planned to finally eliminate these forces? We all know that soil erosion is the first and foremost of all problems that face us to-day and on which the future welfare and prosperity of all races depend. My examination so far has not been very encouraging. I feel that those plans are piecemeal formulated by the minds of hon. members on the other side and that are saturated with caution and fear and are completely unrealistic. I do not blame hon. members altogether for that blame goes home, because for the last 20 years it has emanated right from the top of the British Government down through out the whole world and our Empire, and therefore they cannot be blamed for having to carry out, even if they wished

[Mr. TRENCH] otherwise, schemes which have only been half-hearted and have not really met the problems we are faced with to-day. Why don't I say these things? I cannot say them naturally without some justification, and I am going to give you three or four examples which I think will show that my fears are well founded.

The first hon. gentleman I am going to deal with is the Director of Agriculture, because he has shown, I think, greater courage than the other gentlemen, or the other departments that I propose to deal with as I go along. He has definitely stated that, in his ten-year plan, he hopes to put everything right with a sum of just under a million pounds from the Colonial Development and Welfare Vote. In fact he replied in his speech this morning, in his reply to hon. members, that approximately £1,000,000 a year was to be spent on fighting these evil forces of erosion. Now that sum of £600,000 to £700,000 is only approximately 1 per cent of the Colony's annual expenditure, and if the average farmer in this Colony had only to allocate 1 per cent of his annual expenditure in order to fight the forces of soil erosion I suggest to this Council that there is no problem at all to face. The hon. Director of Agriculture further stated in his morning that it probably was no exaggeration to say that 50 per cent of the fertility of the soils or productivity had disappeared in the last ten years. I think that is an appalling admission on the part of Government. (Hear, hear.)

The second hon. member that I should like to deal with is the Director of Public Works. (Laughter.) He follows closely in the train of my hon. friend the Director of Agriculture, but he is going very much slower. Indeed and in fact, all he proposes to do at the present time is to make an "approach" to this problem of water supplies—which, of course, no hand in hand with any plans to arrest and return the fertility of the soil in the native reserves. He is going to take approximately six years in this approach, when he proposes to review the position and probably start making a "second approach". Well, we cannot wait for these approaches to be made at such a rate. The third hon. member is the Conservator of Forests. I can find no plans whatever for any long-range policy to have been here, there, everywhere, and to so far have completely failed. I believe the hon. Conservator

of Forests has produced a five-year plan. Well, if anybody thinks in terms of five years for a forest policy, then I suggest he has no plan at all. (Hear, hear.) Another point I would like to know from one of those three hon. members on the other side of Council—

HIS EXCELLENCY: Perhaps I should interpolate at this stage that the Conservator of Forests is no longer a member of this Council!

MR. TRENCH: I beg your pardon. Have the directors of these various departments met together on many occasions and worked out a co-ordinated plan? I will take a fairly big bet that they have not. In fact, I suppose I would be taking a mean advantage if I did take the bet because I would be betting on a certainty. The hon. Director of Agriculture at Nakuru two or three months ago admitted that that really did not happen. I think that is a most amazing statement. To my mind it is impossible to plan to meet these devastating forces of erosion without at least these important departments, which have to meet the situation, getting together to formulate their future post-war plans. We are faced in Kenya with a local revolution after this war, and we are going to be in a world revolution, and we have got to know what, as far as is humanly possible, that economic revolution is going to be, what form it is going to take.

And now I come to the main point I wish to make, and that is that I consider—and I believe hon. members on this side of Council agree with me entirely—that we want an Economic Adviser of professional rank appointed to this Colony. I would like to quote the invoice of West Africa, where Lord Swinton thought it necessary and advisable to appoint an economic adviser when he was in that part of the world. I notice from *The Times* of 18th July that an Economic Adviser to the Gold Coast in the person of Professor Richardson has been appointed for a year. It is remembered that Professor Burrows from South Africa is going to be appointed to Tanganyika to tackle the same problems as we are likely to face in this country. India has also taken similar steps, and I would like to see a person of the standing of Professor Daniel Hall, who was Economic Adviser to Lord Swinton, appointed to Kenya in order to advise us of the problems that we are going to be faced with

[Mr. TRENCH] in the next two or three years. He has been Director of the National Institute for Economic and Social Research, London, joint Director of the Ministry of Economic Warfare from 1940 to 1941, in charge of economic warfare work at the British Embassy, Washington, since 1941, and latterly he has been Adviser on Development to the present minister at Accra, Lord Swinton, and was formerly Professor of Political Economy at the University of London and a member of the Economic Committee of the League of Nations. That is the type of man that I believe we must get out to this country at the very earliest opportunity, and I would like to see the Standing Finance Committee make the necessary provision for such a man when the budget is referred to them.

Another point I would like to bring out is the question of the appointment of a small board of economic development and social welfare under such a man. That board must be very small indeed if it is to get on with the important work it would have to perform, but quite definitely I should like to see an unofficial majority on that board and an unofficial majority on the provincial councils or provincial development boards that I visualize would probably be formed under such an organization. Hon. members on the other side of Council have had the steam roller for the last 20 years, and I do not consider that they deserve to have it any longer: they deserve the steam roller should come over to this side, in order that we people who are independent of thought can show what we are made of. There is vast experience in this European community in this country over the last 20 or 30 years on these serious problems, and I suggest in all earnestness that an opportunity should be given to us and the African representatives to take part in the reconstruction and in post-war plans.

I wish now to take one or two points about pastoral research.

HIS EXCELLENCY: If the hon. member is likely to speak for much longer I think this would be a good opportunity to adjourn.

MR. TRENCH: I am afraid I shall.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 29th November, 1944.

Wednesday, 29th November, 1944

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 29th November, 1944. His Excellency the Acting Governor (His Excellency G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 28th November, 1944, were confirmed.

DRAFT ESTIMATES, 1945

REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

MR. TRENCH: Your Excellency, yesterday in advocating the appointment of an Economic Adviser to this Colony I failed, I am afraid, to point out that such an appointment should be made for a period of one year, or for such reasonable time as will enable whoever is appointed to that post to see that the post-war plans are such as will meet the problems that we will have to face.

I am now going to go back and deal with pasture research, which I consider has been terribly neglected for this last 14 or 15 years. In 1929 Sir Daniel Hall came to this country and drew the attention of Government to the necessity of this particular branch of agriculture and this particular branch of research. In 1931 Sir Frank Stockdale also recommended that action should be taken in this direction. In 1936 Sir Alan Pim also took the same line, and made further recommendations to Government on this particular point. In 1937 Sir Frank Stockdale recommended the country and again made recommendations. In 1939 Dr. Pole, and he was asked to come to this country to make recommendations on this important subject. In 1940 a Pasture Research Conference was held, comprising the Directors of Agriculture of the various territories, and further recommendations were made to Government. But to-day, as far as I can see, there appears to be no real move on the part of Government to take any action that is demanded by the terrible situation that exists in the reserves to-day; and I consider the Pole-Evans Report is a damning indictment of the mastery inactivity of Government in

[Mr. Trench] this direction over the last 15 years. If you look at the amount spent on research, on coffee, sisal, pyrethrum, and flax, you will see that various sums and a certain amount of staff has been allocated to research in these industries, and at the bottom of this list comes pasture research. That position, I think I am correct in saying, has not altered in the last 14 years. Now I feel sure that the hon. Director of Agriculture will get up and say that he cannot find bodies, or the staff, but I suggest that after 14 years the position of pasture research should be at the head of that list, and I hope that the Standing Finance Committee will be able to salvage some of the million pounds that is allocated to the Public Works Department in order to wait the necessary buildings and so on, so that when the staff is available no further delay will occur.

The next point I should like to deal with is the question of water supplies. It is quite unnecessary, I think, for me to stress the necessity for better supplies, and more water supplies, throughout the whole of Kenya, both in the white highlands and in the native reserves. I want to see an increase, as soon as it is ever possible, of boring machines. I want to see credit facilities granted to farmers on successful boreholes so that their title deeds are not jeopardized or mortgaged over a long period of years, and I suggest that the cost of boring and placing the necessary equipment at the head of these boreholes might possibly be put on to the rent of the farm over a period of, say, possibly 30 years. Cheap finance also should be provided. The Land Bank rate of interest, for instance, should be reduced to a figure of 3½ per cent (hear, hear). The question of the cost (hear, hear) of large dams is also currently needed, and I would like to suggest that just as we have soil conservation teams travelling round the country and really getting on with a job of work, so I believe that in some form or another there should be a mechanical dam construction team also touring the country. It is a very slow job indeed for the average farmer to put in a large dam, whereas he would be perfectly willing, especially now that his financial position is very much sounder than it has been for years, to go in for the construction of dams to hold up water, especially in the higher altitudes,

so that the Water Board would be in a position to allocate water further down country, and thus assist in the further sub-division of land which to-day is held up for lack of water.

The next department that I come to is the Forestry Department. There has been very considerable criticism of this Department over a period of years and the tempo of that criticism is steadily rising, and I can assure you that until Government takes some action to put matters right that criticism will not cease. The country wants to know what is the forestry policy. As far as one can judge there is no long range policy. As far as one can see the policy that does exist is, first, to be fuel competitors to Kenya's most efficient sawmills; secondly, to supply pulp for paper, which require cedar which takes up to 140 years to mature, and by the time that timber is available I should be very surprised indeed if modern invention has not produced something that is a far better article than we have to-day, so that the market for that particular type of timber is very very problematical. I should like to ask what is the policy about soft woods. Apparently we can grow in this country soft woods that take approximately 40 years to mature, while in other countries they take up to 80 years, and it does seem to me that we should plan for a greatly increased acreage of this particular type of timber with a view to developing the pulp and ply-wood industry of the future.

I am generally agreed that our forest reserve area of 31 million acres is not sufficient and that it should be brought up to approximately 53 million acres. A considerable amount of that acreage could be planted to profitable timber-wood. Some of it should be planted, I believe, in the native reserves as part of the soil and water conservation schemes. It has been advocated by various experts, but, so far as one can see, practically no action has been taken. For example, in the Kisii Reserve, which covers over a million acres, I believe there is hardly a tree to be found in that area. Our future policy should be primarily to preserve the soil and water; secondly, if modern methods are employed, forests should be utilized as soil cover, and thirdly, to develop the timber industry which will employ a greatly increased number of natives as time goes on. It would appear

[Mr. Trench] possible that in respect of the forest plantations and national industries that would spring up from such policy, probably up to a quarter of a million natives could eventually be employed in the timber industry of this country if a 40-year forestry programme was put into operation as soon as possible. With regard to this Department, I would ask you most earnestly to rid it of its mastery inactivity. Secondly, I would ask you to rid this Department of stagnation and, thirdly and finally, Sir, I would urge you to get out your pruning knife and cut on all the dead wood that you are likely to find in that Department, and allow new blood to come to the top and produce the forestry policy which the country is entitled. (Hear, hear.) A golden opportunity exists that we may miss if such action is not taken. And when you go round with your pruning knife I hope you will pay a visit to the Public Works Department. (Laughter.)

The next item I wish to deal with is the Police Force. There is no doubt about it that there is considerable dissatisfaction in the Police Force to-day. The terms of service appear to be unsatisfactory, and one continually hears of young men one would like to see making the Police Force their career, waiting for the day when they can just walk out of the Police Force and take up a job in civilian life that they reckon offers them better conditions. We all know the Police Force is under-staffed and over-worked. It is not a thing that is peculiar to that Department. Nevertheless, for years this country has urged an increase of the Police Force, and I suggest that is nothing like sufficient to meet the post-war needs that are developing. We do want a most efficient Police Force when demobilization takes place. They will have many difficult jobs to perform, and I hope that when the time comes Government will have taken the necessary action to put such a Police Force on a really sound footing and made them feel that they are a service which the country wishes to back up to the hilt in every way possible.

You said, if I remember rightly, that crime in the country was on the decrease. Well, I am afraid I must beg to differ with you, Sir.

HIS EXCELLENCY: Those were not my words; they were qualified.

MR. TRENCH: I beg your pardon, Sir. Crime in my opinion is definitely on the increase, but the trouble is that the public has got so disheartened by reporting cases, which the Police have been unable to take up because of over-work, that to-day many crimes are committed in upcountry areas that are never notified. The result is that these criminals hold sway in many parts, and when farmers have tried to take action on their own and have tried to protect themselves by employing their own night watchmen and so on, in the end the night watchmen which these farmers have taken on have been driven out. They have been persecuted by the criminals, until the position is reversed and the criminal reigns supreme. For instance, in my area milk stealing is a regular thing that goes on night after night without interruption. I do hope that the Police Force will be rapidly increased, that police posts will be established so that farmers can call upon the assistance of these policemen to prevent these criminals carrying on. Again, the I.P.s. that have been appointed, we consider, have done excellent work, and I do hope that the number will be increased as soon as possible. They do prevent the long delay that has occurred and still does occur in trying cases. I would like to ask Government one further question about the Police Force. Will Government tell us if the late Commissioner of Police made a report on the terms of service and condition of the police in this country, and if he did, will Government lay such report on the table?

The hon. Member for Nairobi South in his speech stressed the necessity of organizing labour in the future. I most heartily agree with what he said about such matters. There is no question in our minds that there should be no question of compulsory labour in any shape or form after the war emergency has passed. (Hear, hear.) We are all completely well that sort of thing is completely out of date. It had to be introduced because of the war emergency, but we farmers realize that we must give, and we want to give, better conditions to our African labourers, better education and so on. But I should just like to stress the point that, on the other hand, the African must also play his part if he is going to reap the benefits and the amenities which

[Mr. Trench] civilization can provide. (Hear, hear.) Economic pressure will sooner or later stop him climbing the ladder unless, too, will give forth of his best, and no doubt he will be well rewarded.

Dealing with the Medical Department, I would just like to point out that in the Rift Valley, at Naivasha, there is a very strong demand for a cottage hospital, and I should like to urge the hon. Acting Director of Medical Services to see that at the earliest opportunity a cottage hospital, according to the requirements of that district, is erected. It appears to me that it is a case of "first come, first served", or the first person who kicks up a row gets his cottage hospital. (Hear, hear.) That, Sir, I suggest is all wrong. There should be a plan, and I contend that the Naivasha area, which includes the Kinangop, is entitled to a cottage hospital every bit as much as Molo, Restire, Thome's Falls or Hunuruti, and I hope the Standing Finance Committee will see that the necessary provision is made, so that construction can be got on with and by the time that it is completed probably the necessary staff will be found.

Posts and Telegraphs: I cannot too strongly support what the hon. Member for Ukamba, and I think the hon. Member for Trans Nzoia, said about rural telephones. It will save, or may even reduce, the criticism levelled at the hon. Director of Public Works because it will reduce quite a little bit of wear and tear on those fine roads that he is so proud about! It will also assist the Police Force in getting quickly on to crime, and there will be many other advantages to which I think the country is entitled in view of the vast sums that the Posts and Telegraphs Department is making to-day. On the question of education, I should just like to say that I think the average farmer in this country is willing to play his part in putting up a reasonable type of building on his farm to meet the needs of education that is so obviously required by squatters and so on. But we do expect Government to play their part in seeing that a proper curriculum is drawn up which will have a bias towards agriculture. We must, I believe, make the young growing African generation realize that agriculture is a thing that they must fully understand and appreciate, and that it is likely to be a great part of their life when

they become older. Further, I think it is essential that African teachers should be licensed and very close supervision taken of such teachers. In the past, many of us who have tried to establish schools on our farms have been bitterly disappointed, the position has been abused really through lack of supervision, and I do feel quite genuinely that, after hearing the hon. Director of Education speak yesterday, he had got a grip of the situation and we do expect a great deal in that direction. (Hear, hear.)

I would just like to refer to the hon. Member for the Coast, who periodically makes remarks about soil erosion and up-country farmers. I thought that at one time he was going to get into very deep water—(Mr. Cooke: He likes it!)—but I am very glad that towards the end of his speech he made a splendid concluding remark, which was to the effect that he was, of course, only referring to the minority. When he said that, I entirely agreed with everything he said about that small minority that unfortunately still exists among the farmers in the white highlands, and I hope that every possible action will be taken to see that such gentlemen have the law applied to them in the most severe manner. I should just like to make a remark about the Commodity Distribution Boards. I do hope that Government will see that the very strictest supervision is maintained, because if it is very easy to allow this country-wide organization to lapse into a state of inactivity and that large staffs would remain on hand without work to do, especially when the control of commodities is gradually taken off.

I had the good fortune a few months ago to be asked by the locust campaigners to go up to Turkana and see how the campaign was being conducted, and I am full of praise for the civil, the military, and the Air Force and everybody that is concerned in the conduct of that campaign, and in other campaigns. (Hear, hear.) I was amazed to find the enthusiasm, the economical mind, in the people whom I met, and I came away with a real, deep feeling of gratitude to them for the splendid work that is being done. When one realizes that a bag of bait up there can cost Sh. 10 and that in the Northern Frontier District and other parts it can cost up to Sh. 20 or even more, one realizes that money can be thrown away and nobody would be

[Mr. Trench] (Mr. Trench) I am afraid I cannot agree with what the hon. member said on the question of the entomologists being put on to the locust campaign. While I am in entire sympathy with all that he said, nevertheless I do feel from what I saw and heard up there that, with the entomologists, the expert on the locust life and so on, the feeling among the troops and civilians was that he really knew what he was talking about, and while in many cases they could not see the direct effects when they laid their bait these entomologists with their technical knowledge were able to instil confidence into the men, which I believe has made the campaign a tremendous success and has saved the farmers in the settled areas and in the native reserves from a tremendous loss. I am told that the infestation over the last two years is the biggest that has ever been known, and we farmers, I believe, would have been set back for years had that campaign not been so successfully conducted.

Finally, I would like to say that the difficulties during the last five years that were considered insurmountable have been surmounted. It has been a question of life and death during this war period, and difficulties which appeared quite impossible have been faced by us all, both by Government and the civilian population of this country, and we are about to get through. But what about the peace that we hope is going to come to us? As we have many difficulties to overcome if we are going to win the peace, so I hope that those difficulties will be faced with courage and enterprise by both Government and all the communities in this country, and I look forward to the tackling of these problems in the closest co-operation with Government and in the closest friendship. (Applause.) I beg to support the motion.

MR. PRITAM (Western Area): Your Excellency, before I begin to speak on the estimates I want to give the Council some idea of the vastness of my constituency. My constituency contains I mean their entirety two provinces—and apart from Rift Valley and Nyanza—Nairobi, and these it includes Ngong, Nairobi, and Kajjado district as far as Magadi, so that it is by far the largest of the three Indian constituencies. It contains a number of townships, trading centres and towns more than the other two constituencies

put together. Needless to say, Indians in my constituency are engaged in multifarious activities, and as the member, for that constituency who has never before spoken to such a distinguished assembly of hon. members as I see present to-day, naturally I am rather diffident.

I would begin my remarks with the sad plight of the Kibos farmers. These farmers have been growing sugar cane for a number of years, and at a time when sugar is being rationed and there is a great shortage of man power the Victoria Nyanza Sugar Co. have announced that for various reasons they have decided to close down after the present crushing season is over. There are one hundred acres of sugar cane which—unless the cane is converted into sugar or jaggere, will naturally rot. Memoranda have been sent to the Provincial Commissioner of the Nyanza Province by these farmers pointing out some of their difficulties in the matter, but so far they have heard nothing on the subject; a second letter has been sent to the Agricultural Officer at Kisumu, and to the Chairman of the Agricultural Production and Settlement Board, and it is hoped it is receiving Government's attention. If nothing can be done, I would respectfully ask Your Excellency to intervene, and suggest that the gentlemen who is Controller of prices should agree to a remunerative price for jaggere, because the seems to work out his price in a mysterious way. At least, they are incomprehensible to the ordinary man.

Turning to the roads in the Kibos area, I think the least said is soonest best, for there are not the roads which we could expect from the hon. Director of Public Works in a place which is known to be wholly an inland area. I do request him to do something for the poor people.

MR. STROMACH: On a point of explanation, the Kibos area roads are not Public Works Department.

MR. PRITAM: While on the subject of Kibos, I would like to know the total amount of money collected out of the consumption tax on sugar since the tax came into operation, the amount paid out, and truly to whom the money has been paid, and how much?

Coming to the very free and frank view of the very free and frank explanation given by the hon. Director of Education I do not think any useful

[Mr. Priddy] will be served if I reiterate our difficulties, which are more or less of a uniform character. I know that he has inherited a legacy of difficulties, but so far as Indian education is concerned I venture to suggest that his Department should take over a few schools which are merely a burden on the Indian community owing to the very large number of pupils therein. Those are the schools at Kakamega and Kericho, and I would also suggest that he should provide boarding houses at schools such as Eldoret, Nakuru and Kisumu, so that boys from the whole area could take advantage of such facilities in the absence of which they have got to go without education. Coming to the Medical Department, no doubt so far as hospital accommodation for the Indian community is concerned, especially at Mombasa and Nairobi, it is insufficient but it stands to the credit of the hon. Director of Medical Services that he has heard our grievances with sympathy and understanding. A certain proposal has been made to him by the Indian Association at Nakuru which I am glad to say he has accepted, and I am sure it will go a long way to improve the present position. I do hope that similar concessions will be granted to other places such as Kisumu, Eldoret and Kitale.

As for the provision of water for certain townships, so far as Mumruti is concerned, Sir Henry Moore visited it some time this year, possibly March or April. In an address of welcome the Indian Association pointed out the difficulties in regard to water, and Sir Henry very kindly promised—and, in fact, gave some sort of assurance—that this matter would be looked into and that before long water would be provided. That was eight months ago, and I have inquired of the Provincial Commissioner how the matter had progressed. To my astonishment, nothing was ever done, and when he approached the Director of Public Works he got the stereotyped reply that there are so many important works that one has to wait, perhaps a lifetime. The same comment applies to other small centres, and I do suggest that before any place is gazetted as a township or trading centre Government has in some way a moral, if not legal, obligation to provide water. (Heat.

hear.) It is no use inducing people to go to certain places, to collect taxes from them, and then do nothing for them.

There are Indian shops have been in existence for a number of years, and even now, when those unfortunate Indians ask for security of tenure, they are generally told that it is receiving consideration. The Indian Chambers of Commerce and Industry have made representations on this matter, but they have received no satisfaction. I repeat the request, that this system should be replaced by a 33 years lease so that these people have some sort of security of tenure. Coming to the Forest Department, I fully associate myself with all that has been said by the previous speaker, the hon. Member for Rift Valley. I would point out Head 11, item 13, page 63, where you will find that the maximum salary for an Indian assistant conservator is only £240. In view of the fact that these assistant foresters live out of the towns and have responsibilities and are liable to corruption, it is only fair that they should be given an adequate salary, and I suggest that the maximum be put up to £300, if not more.

Coming to the subject of Controls, our experience with various Controls is not very pleasant, and the sooner they are abolished the better for all concerned. I will cite the particular instance of the Machinery Control. One can write as many letters as one likes, but you never get any acknowledgment, much less advice. On the subject of the allocation of motor cars and motor lorries, they are being done in a very mysterious way. I suggest that Your Excellency should appoint a committee of responsible people, headed by the Director of Road Transport, so that every application for a motor vehicle is carefully gone into, and allocations only made for necessary business purposes or for essential war work. Whereas we up-country never see new cars, when we come to Nairobi we are astonished to see 5275 of all makes, which have been very freely given to people.

With those few words I support the previous speaker.

MR. BOWLER (Uasin Gishu): Your Excellency, at this stage of the debate very little remains but to cross a few 's and dot a few 's. I was very sorry to hear the apology put forward by the

[Mr. Bowler]

hon. Director of Agriculture on the matter brought forward by the hon. Member for Trans Nzoia concerning the cockchafer grub. I must say that neither I, nor anybody else, I should imagine, has that this pest on his farm will be satisfied with his explanation or gain a great deal of comfort from what he told us. I do not think that the hon. Director understands the position himself. Another point, the excuse we get all the time of "no bodies, no bodies". I am beginning to believe that this phrase of "no bodies" is being made an excuse not to do anything at all these days, and I should imagine that if the person who originally coined the phrase knew what an excuse he was putting in the mouths of people who do not want to do anything at all, he would have thought twice before using it. On this question of the cockchafer grub, I would support everything said by the hon. Member for Trans Nzoia, and what was said by the hon. Director was rather a shock to me. Why, if the matter was first reported in 1936, if the matter was first reported in 1937, was nothing at all done until 1937? Surely this excuse of "no bodies" could not have been put forward at that time? And I want to impress on this Council that this pest is becoming a real major pest and, far from it just being in the Trans Nzoia and Uasin Gishu at the present time, it is progressively moving southwards, and unless something is done quite soon about it I believe that the whole of the Colony will have to deal with the pest at some stage or other later on. I hope the hon. Director of Agriculture will have another try to get some "bodies". Let us try South Africa this time. I have reason to believe that entomologists are available there, and I want to impress on him the real urgency of this pest. There is scarcely a meeting of a Farmers Association in my constituency these days in the regions where the pest prevails where the matter is not brought forward and one is not asked to take it up seriously and urgently with the department concerned.

The next "I" that I want to cross is, that I was very pleased to hear, from the hon. Director of Veterinary Services, the set up he visualizes of the stock industry in the future, because, I, like him, still believe that the agricultural future of Kenya Colony definitely depends on the stock industry. I am more particularly

pleased to hear that he was thinking of making marketing arrangements, because whatever anyone may say to the contrary the fact of the matter is that it is no use at all producing stock unless one makes some provision for the sale of the stock and other products. The Veterinary Services have done a great deal in eliminating cattle diseases in native reserves and settled areas, diseases that in the past used to periodically decimate the herds, with the result that almost something is done, at the other end of the picture, unless we make arrangements to market surplus cattle, we shall find that the whole of Africa is not large enough to graze those many head of cattle on. In this respect I should like to ask what Government is doing for the removal and accommodation of squatter stock, of which there are large numbers on the Uasin Gishu Plateau. I believe in the very near future a demand will be made that this squatter stock should be removed within a comparatively short period after the war with Germany and Japan is ended, because there is not the slightest doubt about it that in my constituency people are definitely coming round to the opinion that stock and mixed farming is the one thing that is going to matter in the future, and there cannot be room for the farmers' good quality stock in that constituency and also room for large herds of inferior and unproductive native stock, and definitely something will have to be done about removing the cattle.

Unfortunately I was not present during the debate last week, but I believe that many matters were mentioned, and that many things which I wish to support, I want to say particularly that I support most heartily the points made by my hon. colleagues so far as soil erosion and conservation is concerned. As far as pasture research is concerned, the matter was raised by the hon. Member for Rift Valley. I believe also something was mentioned by the hon. Member for Kiambu about secondary industries. I want to support that as strongly as I possibly can, and in that connexion I should just like to point out something that should be quite self-evident, and that is that the pressure in some native reserves is becoming such that extra provision will have to be made to cope with the many native troops that will be returning after the war. They might not

[Mr. Bouwer] all be able, and indeed probably will not want to, to go back to an agricultural life, and provision will have to be made to open up other avenues of work for them. (Hear, hear.) I want to hear from Government that they support this idea and that they want to encourage and foster all secondary industries designed to achieve that object, especially the kind of secondary industries which depend to a large extent on the raw materials of this country and find a market for the finished product also in this country. (Hear, hear.)

Finally, there is just one more point I should like to deal with. I was very sorry to hear in your address that assent to the Land Control Bill has not been received yet. I trust that a Government speaker will be able to inform us that you will address the Secretary of State for an early decision in this matter, because I believe it is very very closely bound up with the question of further settlement in the country.

With those few words I support the motion before the Council. (Hear, hear.)

Mr. HINDU (Provincial Commissioner, Rift Valley): Your Excellency, the hon. Member for Usisu Gishu has raised the point of what action Government intends to take as regards squatter stock on the Plateau. As he is probably aware, on 3rd November this year the hon. Chief Native Commissioner, the hon. Director of Veterinary Services and myself attended a very representative meeting at Eldoret. We had representatives present from the District Council and from the various farmers' associations in that district. A very full discussion took place, lasting some time, and as a result of this the District Commissioner, Nandi, agreed to step up the quota of cattle that he would take back into the Nandi Reserve from 500 a month to 1,000 a month. It was quite obvious from the discussion that the various figures that were given were merely guesswork and therefore no definite action could be taken in the matter until further detailed information had been obtained. To obtain this information it was considered necessary that a census of African-owned cattle, both in the Usisu Gishu district and in the Nandi Reserve must be obtained, and, secondly, that a survey of the

Nandi Reserve should be carried out to ascertain the grazing areas and the number of stock such grazing areas could carry.

Following on this, in order to ascertain how this could best be done, a meeting was held by the hon. Chief Native Commissioner on 16th November, at which both the hon. Director of Veterinary Services and myself were present. At this meeting the hon. Director of Veterinary Services agreed to detail a veterinary officer, Mr. McGowan, for a survey of squatter cattle in the Usisu Gishu District, and he would be helped in his work by Mr. Bowman, the live stock officer. I would add that Mr. McGowan has already reached Eldoret and work should start at once. Furthermore, the hon. Director of Veterinary Services agreed to arrange for the stock to be culled before they left the Usisu Gishu district and entered to Nandi Reserve. He also stated that he would endeavour to arrange for the services of an Italian survey party to be available to help in the survey work of the grazing areas in the reserve. It is suggested that the survey of stock in the Nandi Reserve should start early in 1945 and in order to help in this project I am detailing a junior district officer from the Rift Valley Province to go there and to help. Furthermore, the hon. Director of Veterinary Services stated that as early in 1945 as possible he would detail Mr. Bowman, the live stock officer, and a veterinary officer to help over the cattle census in the reserve. In order to obtain extra staff for this work a telegram is being sent to the Secretary of State for the Colonies asking him to expedite the return of a stock inspector who, when he arrives out here, will be sent up there. From the date of that meeting until the time that the census starts I have given instructions to the District Commissioner, Kapsoabet, that he should on every possible occasion put out propaganda so that the Nandi themselves will realize the reason both for the survey of stock and the survey of their land, and will not consider that Government is trying to do them down either as regards their cattle or as regards their land.

Mr. TOMKINSON (Provincial Commissioner, Central Province): Your Excel-

[Mr. Tomkinson] leney, the hon. Member for Nairobi South and the hon. member Mr. Beecher brought up the matter of Kibera and inquired what the position was. The history of Kibera is fully explained in the Land Commission Report, section 598 and following sections. The recommendations there were accepted in that the original allottees—and those allocations were made by the Military authorities—should remain there for their lifetime, and further that the widows of the original allottees should remain there until their death. There were 291 permits issued by the Military authorities. 291 is not the total number of houses; in fact, the total number of houses is very considerably more, but the fact remains that though a number have died, yet the number of widows remaining is enormous! Though the policy has been followed that if the original allottee and widow die, then that house is removed, the progress in that respect has been very slow, for the reasons I gave before. Since this was the case and since the conditions on the whole were neither satisfactory to Government nor very satisfactory to the inhabitants of that area, the Government appointed the Municipal Natural Affairs Officer and the duly welfare worker to make a sociological and economic survey of that area. They have written a full report and that report, together with various proposals, has been forwarded to Government. I would say that as a result of that report it is evident that the health of the occupants has been very good. In fact, when plague was rampant in Kiambu and also in the Municipality, there were comparatively few cases. That, I presume, is largely due to the scattered nature of the villages occupied by the Sudanese.

A question was also put by my hon. friend Mr. Beecher regarding water supplies. They have been given facilities to draw water at a cost of 1 cent a *debit* from the Police Station. I feel that it is perfectly reasonable. These people are scattered over a very considerable area and, in fact, their conditions of living are more rural than urban. If they had had the will to collect together to make a little village where water could be taken to them, then I think it would be reasonable for Government to pipe water to that village, but as it is they are really

rather living in the same way as in the native reserves. In many of the native reserves, especially in the Ukamba country, in times of drought the natives have to go as far as 10 miles for water.

There was also a specific question asked as to who is responsible for this place. The District Commissioner, Nairobi, is responsible, and as regards police it comes under the Kilimani Police Station. I would say I think there is sufficient evidence to show that the Police have been very active in that area, doing all they can to control it. In fact, during last year there were 89 prosecutions for illegal residences and 174 for liquor. I think also—I do not know whether it was put forward as an excuse—but it is a fact that owing to the presence of military camps in that neighbourhood, the position is I admit not as good as we would like. I might say that those conditions prevail to a considerable extent in a similar settlement called Bulbul, which is actually in the Masai Reserve, and another black spot which was mentioned, Karura. I think that one must admit that anywhere where you have a large and, may I say, a prosperous town this type of settlement is bound to arise on its periphery.

I should like to say one word on this question of soil erosion. I think in the Central Province it is probably worse than anywhere else. Members no doubt may have been under some misapprehension regarding the recommendations of the Land Commission, some of which were definitely made with the idea of alleviating conditions in the Kikuyu and Ukamba districts. Firstly, as regards Kikuyu, the proposal in section 542 was that an area of 383 square miles, called the Bi-Yatta, Bi-Yatta should be made available, and the Commission stated that "the addition of an area of some 350 to 400 square miles is warranted and would be of very substantial assistance to the Kikuyu in affording them a respite during which they must learn to improve their methods of agriculture and landholding, so that when the existing degree of density is again reached, they will be better able to face the position." I do not think there are many members here who have been on the Bi-Yatta. It is described in the schedule to the Crown Lands (Amendment) Ordinance as for the "use and enjoyment of the

[Mr. Tomkinson] Kikuyu tribes". I have been over that district; my stay was not long, but I did not enjoy it very much. I have mentioned that point, as I shall mention the following, to emphasize not only the difficulties but the urgency of dealing with this matter.

As regards the other part of the Yatta, which is known as the Machakos Yatta or Kamba Yatta: that is quite a considerable area. I think it is about 170 square miles, but I am open to correction. That was supposed also to alleviate the conditions in Ukambani, but in actual fact the area of the Yatta has been used for years by the Wakamba, sometimes free and sometimes on payment of grazing fees, and in the present plan there have been very definite proposals as to how we can find some alternative method of alleviating that position. I should like to say a word about labour. That has been very strongly stressed and quite rightly, and when mentioning this it is also linked up with the question of soil erosion. Hon. members no doubt read the Official Gazette and will be able to see from the monthly bulletin that some 50 per cent of the natives in the Central Province are out in registered employment. We shall have to deal with the soil erosion problem, and as the hon. member Mr. Mathu has said, we want the men to do that work and not the women. To those who have knowledge of the immensity of the task I should only like to utter a word of warning, that the available man power after the war will presumably be rather scarce.

In conclusion, mention has been made of natives taking their part in trade in this country, and I should like to say that, though it is not generally apparent, the visit of Mr. Campbell to Kenya at the invitation of the Government to advise on co-operative societies, has already in my opinion yielded a number of the smaller traders really think about things, and I trust they will adopt the principle of pure trade.

Mr. LINDSAY (Provincial Commissioner, Coast Province): Your Excellency, the hon. member Mr. Patel has referred to the lack of adequate water supplies in the Coast Province. This is a matter receiving my particular atten-

tion at this present time. I regard the provision of adequate water supplies in the arid hinterland of the Coast Province as essential to any plans of development. A considerable amount of work has already been achieved in the construction of dams by local effort, particularly in the Duruma country; and is to-day being carried on as it has been in the past. I have also asked that a hydrographic and geophysical survey should be made of the Coast Province, and more particularly those areas where sufficient water is a matter of urgency. I understand from the hon. Director of Public Works that, in spite of all the efforts to obtain hydrographic survey staff, he has still found it impossible to fill the many vacancies that exist in that department. Another part of the hon. member referred to was the provision of grazing for cattle. I presume he referred to the general development of the cattle industry in the Coast Province. This also is a matter which is receiving particular attention at the moment but, as hon. members will realize, the introduction of live stock into the agricultural system of the Coast Province is contingent on the eradication of the tsetse fly and the provision of water. In regard to the former, work is now being carried out in experimental form in the Giriama Reserve, as a result of which we hope to gain a considerable amount of knowledge as to how to deal with the fly. The matter of the provision of water supplies I have already dealt with.

COMMISSIONER OF CUSTOMS (Mr. Northrop): Your Excellency, the hon. Member for Mombasa in his speech on Thursday expressed his dissatisfaction with the statistical classifications in the annual Trade Report. I will say at once that I entirely agree that the statistics of external trade should be published in as much detail as possible in order that the trading community might have as much information as can be given. The hon. member referred in particular to machinery and parts, and I will examine this class and other classes to see whether further itemizing can be made. The hon. member also referred to the grouping of goods imported by parcel post under one head. I think he has overlooked that since May, 1942, goods imported by parcel post have been classified to their proper statistical headings, and in the 1943 report the figure of £48,000 only

[Mr. Northrop] for Kenya and Uganda is shown as unclassified. I have been unable to trace the one million pounds stated. The hon. member also referred to the separate statistical office, which was discontinued some years ago on economy grounds. If I may say so, I consider that the reopening of this office would be a great benefit to the public and, in particular, in regard to statistics of external trade, the office should, I suggest, deal not only with the figures for Kenya but should collate uniformly the figures for the whole of the East African territories. The hon. member referred to the draft customs revenue estimates, and I will leave the hon. Financial Secretary to reply to him. I would, however, mention that the hon. Member for Mombasa has in the past been particularly cautious with regard to customs estimates, and I am sure he has been glad to see that he has been incorrect. On this occasion I will go so far with him as to express the personal view that the printed estimates for 1945 of customs revenue cannot be regarded as conservative.

The hon. member Mr. Paroo raised the matter regarding six clerks who were engaged in 1941 for the Imports Control work when this section was at Mombasa under my charge as Commissioner of Customs. On the formation of a separate Imports Control office at Nairobi, the six clerks continued to work on a temporary basis of necessity, but they now feel they have a claim for service in permanent posts in the Local Asian Civil Service. The position, as hon. members are aware, is that it is not the policy of Government to grant terms of service on a permanent basis to employees engaged for work in a department under the head War Expenditure Civil. I have a great deal of sympathy for these particular clerks, because there is no doubt in my mind that, had they continued under my office at Mombasa, they would have been absorbed into the Customs Department when vacancies arose. I went so far as to address these clerks, advising them that they would have priority for vacancies in that department. I gave them that assurance. I renew this assurance to the hon. member, and although up to the present it has not been possible to spare them from the Imports Control, have every reason to believe that within the next

six or eight months they will be transferred to the Customs Department.

Mr. WILCOXBY (Acting Postmaster-General): Your Excellency, there is not much that I have to reply to in respect of my department. Three points have been raised by the hon. Member for Klambu. The first was with regard to the high cost of the ordinary postage of letters. In respect of that, perhaps I should say that the price of posting a letter is not related so much to the cost of handling that letter as to the postal section of the department— which incidentally is used partly as a taxing machine, so that the high price is not really one which is within the control of the department. The next point was the question of town deliveries and, with all respect to the hon. member, the department is satisfied that what is being done at the present moment is all that is necessary in this regard. I think the popularity of delivery is far outweighed by the popularity of the system of private boxes. In Mombasa and Nairobi there is a system of delivery by boxes (not a system of delivery by boxes *en passant*), that is in the bazaar area. The third point raised by the hon. member was reinforced by the hon. Member for Ukamba, Trans Nzoia, and Rift Valley. It was suggested that rural telephones should be supplied in far greater number and at much more cheap rates. The question of rates is one where some misconception has arisen. In order to support the argument for cheap rates it was stated that there is very high excess of revenue over expenditure. This excess does not lie necessarily in the telephone side of the department. Broadly speaking, the postal side is partly used as a taxing machine and provides the bulk of the excess, telegraphs are run slightly at a loss as a matter of policy, and, as far as telephones are concerned, they should be run on an economical basis. In other words, the revenue should meet the cost of the service. Incidentally, the cost of giving the service in this country, as hon. members know, depends largely on the scattered so nature of the farms in the rural areas so that longer lengths of line have to be erected which automatically raises the cost. While I cannot promise anything in the way of reduction of rates, I can say I have little doubt that Government, so soon as materials are available,

(Mr. Wuloughby)

will provide the necessary funds for such construction of telephones as may be demanded by rural areas.

Dr. JOINSTON (Acting Director of Medical Services): Your Excellency, commencing with the points raised by the hon. Member for Nairobi South, he asked me for a comparison of the hospital position with 30 years ago. So far as Africans are concerned, in 1915 there were 200 African beds, and this accommodation was largely confined to Mombasa, Nairobi, and Kisumu. To-day there are approximately 7,500 beds, and they are pretty well distributed throughout the Colony. We now have African hospitals in every large centre and a number of small centres, and quite a number of wards are under construction at the moment; we envisage, if our post-war development plans are accepted, a large increase in African hospital beds. Regarding Europeans, in 1915 we had some 40 beds which were confined to Mombasa and Nairobi; there were no other European hospitals in the country. Today in Government European hospitals there are 67 beds and in non-Government institutions and nursing-homes 91, a total of 158 beds available for Europeans. If it is assumed that the peace-time population of the country is in the neighbourhood of 20,000, that means 8 beds per 1,000 as compared with the United Kingdom figure of 5 to 6 per 1,000, so that we are actually ahead of the United Kingdom. I do not suggest that the United Kingdom has yet enough hospital beds and that we should not aim even higher, but it is not a bad comparison. But in future we have got to consider distribution of beds rather than an increased number of hospitals. It is quite true that since the war commenced, at times that hospital accommodation has been taxed to its utmost, but as regards the European position it is not too bad. Regarding the Asian hospital accommodation, I will deal with that later when speaking of their medical facilities in general.

The hon. member also asked for my views on Kibera and native villages in the vicinity of Nairobi. The hon. Provincial Commissioner for the Central Province has, I think, answered him very fully, but as the hon. member asked me a straight question I am prepared to give him a straight answer. I do think that a lot of these villages can be described as dens

of iniquity, and they are responsible for the spread of a lot of venereal disease and a lot of alcoholism, but I am sure that the hon. member will appreciate that their administration is not easy in times of war when military camps spring up all over the place. The hon. member also referred to the question of turning the Northern Frontier District and Turkana into assets instead of liabilities. I would only say that, in so far as the department is concerned, we have endeavoured, and with considerable success last year, to try and give adequate medical facilities there. A good hospital was opened in the last few months at Isiolo and it is already filled to capacity, and we are also building other hospitals at various centres. I do think that one of the best ways of opening up a district is the provision of medical facilities. He also stated that he hoped quick action would be taken in regard to the Hospital Committee report. As this question is largely a financial one, I will leave it to one of my other colleagues to deal with.

The hon. member Mr. Patel raised the question of the inadequacy of the medical facilities for Indians in the Colony, more particularly regarding hospital accommodation, and it was also raised by other hon. Indian members. I will say at the outset that the position is unsatisfactory and that we have got to provide better facilities as soon as we possibly can. At the same time I would like to assure hon. members that the Government is fully aware of the position and has been endeavouring to take steps this year to alleviate conditions. Negotiations with the military, in connexion with the return to civil use of the African wing of the group hospital, Nairobi, took place throughout the year, but they proved fruitless in the end, so we hope to build a second African ward block in the near future. As it will be some time before it can be built and equipped, I have come to the conclusion that we have got to alleviate matters by putting up some temporary accommodation in the meantime for the Asian community. I have accordingly approached Government for funds to provide this temporary accommodation, and I understand that that will be considered at a very early meeting of the Standing Finance Committee when they are dealing with the draft estimates. Hon. members may think we ought to have done this sooner,

(Dr. Johnston)

and I can assure them that if we had regained possession of the African wing of the group hospital my intention was to convert one or more of the floors of the building into a temporary Asian hospital which, I think, would have provided reasonably adequate and good accommodation for the Asian community until such time as we could proceed with the Asian wing of the group hospital. This Asian wing has been given very high priority in the post-war development plans of my department. We may not, however, be able to get the necessary materials at the moment, but I can assure the hon. Indian members that the matter is not forgotten.

The hon. member Mr. Patel, if I heard him correctly, suggested, I think, that Government was now intending to scrap the idea of group hospitals. I can assure him that there is no such intention as regards Nairobi. It is Government's intention to proceed with that as and when circumstances permit. In regard to the group hospital at Mombasa, also referred to by the hon. member Mr. Patoo, I would say this. There was a scheme put forward about 1938, just prior to the war, for a group hospital to be erected there. I do not think there was any previous suggestion to that. At that time plans were got out and tentative sites gone into. The war intervened, and since then the matter has been more or less left in abeyance. Recently a committee was set up in Mombasa to consider sites in general for public buildings, and I understand they have suggested another possible site for a group hospital. In this connexion I should like to make it clear that it is Government's general policy to go in for group hospitals for obvious reasons. They obviously make for efficiency and economy. At the same time, I do not think that we should be absolute slaves to that system, but that each case must be considered on its merits. For instance, take the position in Kisumu, where we have a fairly modern European hospital only built some 12 years ago; it may require a small extension after the war, but not much. On the other hand, we do want new African and Asian hospitals there, and we have more or less got a tentative site for a group hospital in Kisumu. But it is not economical or justifiable to scrap the European hospital

to move it to the group site. I would say that when choosing the new site for the African and Asian hospitals, we should make provision for a European hospital as well, so that when the present one becomes obsolete or we want to move it we have the ground.

The hon. member Mr. Patel also suggested that Government should appoint a committee to inquire into the whole question of hospital facilities for Asians. I understand it is Government's intention to appoint such a committee, and I think this was stated at the time of the appointment of the European Hospital Committee which has now reported. The hon. members Mr. Patel and Mr. Patoo also raised a question about the general treatment of Asian patients in hospitals more particularly at Mombasa and Nairobi. I will agree that things are not altogether satisfactory, and I entirely agree that the accommodation leaves much to be desired, and that the nursing staff, mostly untrained, are not all that they might be. It is largely a question of accommodation and training facilities, and I hope to put that difficulty right as and when circumstances permit. It was also suggested the appointment of an Asian house surgeon should be made. I am very glad to be able to say that we have provision made for one Asian medical officer in the 1945 estimates; I refer to Item 81 of the Medical Department estimates. I trust that this officer will be the forerunner of others, for I do think that the Asian community is entitled to be looked after by qualified people of their own race. This is an experiment for 1945, and we hope in later years to have more.

Turning to the remarks of the hon. member Mr. Mathu, he raised the question of the training of African hospital nurses. We have not progressed very far, but even prior to the war we had plans out for the construction, with the aid of Colonial Development Fund moneys, of a hostel in which these people could be accommodated, and in the group hospital training facilities are to be provided. In our post-war plans we mean to push on with plans as soon as possible to get the necessary training staff and also open other centres. We have many others, such as a school for training midwives, which is to be started very soon at Kisumu, and another in the Central Province. The hon. members for

(Dr. Johnstone)

native interests both raised the question of the salary provided for the African assistant biochemist, who is a university graduate. I agree that this matter requires reconsideration, and I shall be only too glad to bring it up in the Standing Finance Committee when we are considering the draft estimates. The hon. member Mr. Mathu also raised the question of salaries of African assistant medical officers, and suggested that the pay was inadequate. I would remind hon. members that these officers are trained on an inter-territorial basis at Makerere and Mulago, and are endeavouring to have salaries somewhat similar in all the East African territories. The Kenya salaries are largely based on those paid in Uganda, and are very similar. In Kenya, African assistant medical officers start on Scale D, African Civil Service, but commence at Sh. 180, as opposed to Sh. 170, and go up by increments to Scale E, Sh. 325 per month, and then by Sh. 20 to Sh. 325, or about £26 per month. One of our African officers is on that scale now; after service over a number of years he has proved his worth and is doing extremely well. This question of salaries of assistant medical officers is kept constantly under review and is nearly always under discussion at the conferences of Directors of Medical Services of East African territories.

The hon. member also raised the question of licensing African medical officers. I am glad to inform him that this matter was discussed at the last meeting of the board appointed under the Medical Practitioners and Dentists Ordinance, when it was unanimously agreed that they should be licensed, and the hon. and learned Attorney General is at the moment drafting legislation in order that it may be done. The hon. member also said he hoped the day would arrive when there would be a hospital in every village. I do not know that we can quite go to that length, but we do visualize in the post-war development plans that we shall at least provide good central hospitals in each province and district hospitals in all the larger districts, and cottage hospitals with dispensaries within. I hope, reasonable distance of villages. That is roughly our post-war development plan. The whole matter is bound up with the question

of obtaining trained staff, and more particularly African assistant medical officers. We have only five at the moment as compared with 40 or 50 in Uganda. I should like to associate myself with the remarks made yesterday by the hon. Director of Veterinary Services on African salaries in general, and I think the aspect he touched on should not be lost sight of. The hon. member also raised the question of hospitals for squatters. I do hope that post-war social centres will be developed in the European areas, and at those centres we shall not only have hospitals but schools, recreation halls, and so on. The hon. member Mr. Mathu raised the question of the pay of African nurses, and suggested that Sh. 25 a month is inadequate. I can assure him that except when they are serving a probationary period they are paid much more than that. Recently new rates were got out and have been standardized, and they make no distinction between males and females. Grade 1 dressers and hospital nurses are now paid Sh. 60 to Sh. 90, and I think that reasonably adequate for untrained people at the present time. The hon. member Mr. Sheriff Abdulla Salim, I think, raised much the same points as the hon. Mr. Patel, and I think I have dealt with them all in the remarks I have made.

Turning now to the speech of the hon. Member for Mombasa in regard to the Lady Grigg Welfare Centre. He gave particulars of the work being done at the present time by their Maternity Home and Training Centre. I fully appreciate those particulars and I should like to pay a tribute to the good work done by this institution in the past. It has been working under very great difficulties, and although it has had a grant from Government—and it has been increased lately—I am quite willing to consider approaching the Standing Finance Committee for an increased grant for 1945. I am quite sure it will be disastrous if this institute closed down. It is the only maternity home for Africans in Mombasa and the only place where mid-wives are trained. He also referred to the Mombasa Nursing Home. This home is also in some financial difficulties and in difficulties as regards staff. He gave three alternatives. I think we cannot allow the home to close down during the war, and there again I will be only

(Dr. Johnstone)

too pleased to support him in his appeal to the Standing Finance Committee for an additional grant for 1945. While on the subject of the Mombasa Nursing Home, I am not altogether satisfied that it is really a suitable building for a nursing home, but I suggest they should carry on in the meantime and immediately after the war the whole question of medical facilities in Mombasa will require reconsideration. He also referred to the question of pensions for non-Government nurses. I entirely agree that some provision should be made, and I suggest consideration might be given to this matter when the European Hospital Committee Report is being considered. If some of the recommendations are accepted it appears to me it may be possible to start some pension scheme then.

The point raised by the hon. Member for the Coast in regard to recent promotions in my department I shall leave to be answered by the hon. Acting Chief Secretary. The hon. and reverend member representing natives interests raised the salary of the African biochemist. I have already dealt with this in my remarks in connexion with the speech of the hon. member Mr. Mathu. He also referred to the backward areas of Masai and Northern Frontier District. In Masai and Northern Frontier District we have opened quite considerable hospital extensions during the past few years.

He also referred to the question of venereal disease which he thought was an extremely urgent matter. He seemed to be dissatisfied with what we are doing, and to a certain extent I am inclined to agree with him. It is a very difficult problem to tackle, but I can assure you that we are trying to do something, and during the past year we have made some progress. Though we are proceeding somewhat slowly, we have done something. The hon. member suggested that it might be a good thing to start a committee out here on the lines of the British Social Hygiene Council at home. I would remind him that we have a joint military and civil standing committee for combating venereal disease, and I think that committee has done quite good work during the past year. On that committee welfare organizations

are represented and also the church, and I think that is probably sufficient for the moment. I agree, however, that propaganda might be improved and treatment facilities in general. It is going to be a problem, but as he pointed out himself, the venereal disease problem is more a social problem than a medical one. I think the solution in the long run is a question of education, raising the general standard of living, and the development of welfare-in-general.

The hon. Member for Ukamba raised the question of the education of African women. I think I have already dealt with this. It is also dealt with in the department's post-war plans for the training of hospital nurses. He also claimed that the number of medical officers was disproportionate to the number of medical inspectors, apparently laying stress on curative rather than preventive measures. I do not really think that medical officers can be replaced by health inspectors, but rather they are complementary to each other, but I think a lot more could be done if we had an increased establishment of health inspectors. In this regard I am able to report that not less than seven health inspectors have recently arrived from home and nearly all are at work now in the native reserves. He also suggested that there should be better hospital and ambulance services in the reserves. Those suggestions also have been incorporated in our post-war development plan, including suggestions for provincial hospitals, district hospitals and dispensaries and ambulance services.

The hon. Member for Trans Nzoia again raised the question of the inadequacy of accommodation at the Kilale Native Hospital. I entirely agree that the figures he quoted were correct and the number of patients is two or three to a bed. We have made additions to the Kilale hospital this year, but the accommodation is nothing like enough. I made representations for additional accommodation myself, but the hon. Director of Public Works was unable to undertake a larger building programme. If, however, he is now in a position to do so, I should be only too glad to submit the matter to the Standing Finance Committee for consideration. The hospital has now got about 42 beds, but our post-war plans contain provision for 100 to

[Dr. Johnston] meet the needs of the large population in that area. He also mentioned the question of the vote in our department for the prevention of disease which stands at £150. I must say it looks on the surface as if we are spending £150 on prevention and some £35,000 on the cure of disease. This, however, is more or less a token vote out of which we buy anti-malarial oil, etc. In those areas where the department is directly responsible for control measures, I would invite his attention to the Sanitation Division of the department which shows a considerable expenditure. Also to the Laboratory Division, which is largely concerned with prevention as opposed to the cure of disease.

The hon. member Mr. Paroo raised the question of emergency cases or emergency arrangements at the Naife Hospital, Mombasa. He did not appear to be satisfied with the answer I gave to a question of his earlier in the session, and quoted a number of instances where emergencies had arisen and it would appear that no medical aid could be obtained. I can only say that I have not had time since he spoke to investigate each complaint, but I can assure him that if he had brought each case to my notice when it occurred I would have investigated them and done my best to put them right. Emergency arrangements do exist and a medical officer is always on call. We have not the staff at the moment to have a medical officer actually on duty at the hospital all the time, but I have strengthened the staff at Mombasa by an additional medical officer, and I think that should be sufficient for the time. When we have a group hospital there and in Nairobi it is my intention to have quarters for the staff on the spot, but I am afraid again it is lack of accommodation and of bodies at the moment. The hon. Member for Rift Valley raised the question of a cottage hospital for Naivasha, and suggested that in the past it has been the district which shouted the most for the hospitals, whereas others did not. I am inclined to agree. I think in future if the recommendations of the Hospital Committee Report are accepted there will be some authority which will decide the order of priority for hospitals. I would remind the hon. member that at Naivasha there has been a dispensary, with some beds

attached for more than a year, long before Molo or Londiani had any place at all, and also we have had the services of a district surgeon for at least two years now.

The hon. Member for the Western Area raised the question of Asian accommodation at some of the centres in his constituency, and asked that sympathetic consideration be given to providing accommodation for Asians. We have a certain amount of accommodation for Asians in Kiambu, Eldoret, and Nakuru already, but if the hon. Indian members wish to have accommodation provided at other places I am quite certain Government will give sympathetic consideration to their request.

I think I have answered all the points raised in connexion with my department.

MR. MORTIMER: Your Excellency, during the course of the debate about half a dozen points have been raised to which replies are expected from me. First of all, several of the Indian members referred to the subject of Indian land settlement. My department was castigated for not having provided land for Indian settlement, suitably situated, ready with water supplies, and completely prepared for occupation. It was suggested that land would be required for Indian ex-soldiers for their rehabilitation in civil life after the war is over. The hon. member Mr. Patel said that he expected I should bring forward all the usual pleas and excuses for nothing adequate having been done. I do not intend to gratify the hon. member by doing so. (Laughter.) I will not therefore remind him that some 20 years ago 100,000 acres on the Tana River and a million acres at Taveta were offered to the Indian community and they neglected to take it up. I will refrain from mentioning the fact (laughter) that when the post-war employment questionnaire was filled in by some 1,500 Indian members of the Forces, only 10 said they wished to take up an agricultural career after the war. I will not refer to the fact (laughter) that there has hitherto been a very marked lack of enthusiasm on the part of the Indian community to take up land. I was asked by the hon. member Mr. Paroo to admit that, whatever may have been the case in the past, there is now a genuine inclination for agricultural training.

[Mr. Mortimer]

I do admit that I have been informed by the hon. Indian members that there is such inclination, and I feel that it is the responsibility of my department and of the Government to assist in every way possible the gratification of that desire, if it is earnest and if it really exists. I sincerely hope it does, because I feel convinced that for the future well-being of the Indian community in this Colony a very much greater proportion of their youth must turn its attention to agricultural pursuits seriously, and must endeavour to obtain agricultural education and take up land—not mere land ownership—but as workers on the land. That is what I wish to encourage, but the situation has been allowed by the Indian community to lapse for so long, that it is now extremely difficult to find suitable land. The hon. Indian members are members of the Indian Land Settlement Board, and know full well how we have searched all the areas available for Indian occupation to find suitable land. I will inform hon. members in general that arrangements have been made for an investigational party consisting of some of the hon. Indian members, the senior agricultural officer for the Coast and Mr. Hassan, of the Veterinary Department, to examine certain areas on the Tsavo River with a view to finding land suitable for Indian occupation that would be irrigable and would provide an adequate outlet for this urge which we are told exists for Indian land settlement. I personally will do everything I possibly can to foster it, but as hon. members know full well, it is extremely difficult to-day to find the skilled staff available to do the necessary investigations. I would ask that the hon. Indian members will assist in the finding of suitable land. There are two or three very large blocks of land at the coast in Indian ownership to-day. They are not being adequately used. They would, I am sure, be suitable for Indian land settlement, but rumours have come to me that two of the largest of those blocks are on the eve of transfer to Europeans. Well, if that is so, I think it is unfortunate that the Indian community themselves have not taken the opportunity that has thus far presented itself.

The question of agricultural training for Indian youth has again been raised. The hon. members know of the tentative

negotiations with the Government of Tanganyika for co-operation in a training scheme for Indian youths. I have received a reply to a demi-official inquiry, which only reached me yesterday, to the effect that the Tanganyika Government are proposing to embark, if they receive sufficient encouragement, upon a training scheme, starting on a small scale only. As they contemplate the scheme at the moment, there does not appear to be much opening for the youth of other territories, but perhaps we can remedy that by further representations when we are sure that the Indian youth of Kenya, in sufficient numbers, really desire agricultural training. I will do all that I can to encourage that development and to secure the co-operation of the Tanganyika Government. If that fails, then I think this Government must seriously investigate the possibility of setting up a scheme for agricultural training within the Colony itself. The hon. member Mr. Patel suggested the appointment of an Indian land officer in order that Indian land settlement might be pursued with greater vigour. I think that matter might very well be deferred until we have found the land and settled ourselves that there are Indian youths within the Colony who wish to take up the land and who are ready to do so. To put unprepared men upon unprepared land, whether the colour of the skin of the man concerned be white, brown or black, will be heading for disaster. (Hear, hear.)

The hon. member Mr. Patel referred to the failure of Government to play up to the desires of the Mombasa Municipal Board in the provision of funds for the construction of a certain road. I understand that he referred to the portion of the Macupa Road from the Port Reitz Aerodrome turn-off to the municipal boundary. The position is that, under the existing law, Government is compelled to contribute £ for £ to the local authority for the construction and maintenance of main trunk roads within their borders, subject to one proviso; and that is that the Central Roads and Traffic Board shall have approval of the standard of construction and specifications. In this particular instance the Mombasa Municipal Board desired to construct a road of a high specification. The Director of Public Works, who is the technical adviser to the Central Roads and

(Mr. Mortimer) Traffic Board, recommended that a lower specification was quite adequate and the Central Roads and Traffic Board accepted that advice. The Mombasa Municipal Board was so informed. They were prepared to back their opinion to the extent of paying for the extra cost of the higher standard of construction themselves; this cost them an extra £750 for backing their opinion!

The hon. member Mr. Patel also referred to the old town of Mombasa, and to the inadequacy of the town planning scheme that has hitherto been carried out. There are differences of opinion as to whether that scheme ought to have been carried out at all; there are those who hold that the £50,000 that was spent on it had better have been thrown into the ocean, where it would have done less harm. Whatever may be the facts, I do not think that any tinkering with the old town of Mombasa will be satisfactory or in any way adequate. The time will come when we shall have to undertake a clean sweep of the old town. (Hear, hear.) It may be picturesque, but it is likely to be a plague spot in the community at large. Its houses are old, many of them very dilapidated, totally insanitary, and a menace to public health. The first essential is to have a social survey of the old town and find out exactly what we are dealing with. To act without a proper knowledge of the facts will be disastrous. That social survey cannot be undertaken at present, but it will have to be undertaken in the not distant future, and what I envisage will take place sooner or later will be a complete sweep of the old town and rebuilding upon new and gracious lines, making the old town into a new town which will be a thing of beauty and one of the greatest attractions of our lovely coast.

The hon. Director of Medical Services has already referred to the question raised by the hon. Member for Mombasa about the Lady Grigg Native Hospital. I entirely agree with what has been said about that hospital being kept open. I should like also to associate myself with the tribute paid to the enthusiastic band of workers who have kept it open. The hon. member suggested three possible courses. One, to increase the grant, and the hon. Acting

Director of Medical Services has indicated that he would recommend that course to Government. The second, that Government should take it over, and the third that it should be closed. The third is unthinkable. There is a fourth, that the Mombasa Municipal Board should take it over on terms to be arranged. The similar institution in Nairobi has been taken over by Nairobi Municipal Council, and I think it is quite possible that the Mombasa Board will consider taking over the Mombasa hospital, on somewhat similar terms. I am already approaching the Mombasa Board on the suggestion of the Standing Finance Committee with that object in view.

The hon. Member for Rift Valley referred to the vastly important subject of the provision of water supplies on farms and development of extensive systems of dams. I agree very fully with the hon. member that investigations should be carried out and should be followed by action as quickly as possible on these lines. The hon. member Mr. Pritam spoke of the inadequacy of the roads in the Kibos Indian settlement area—the hon. Director of Public Works rightly absolved his department from responsibility in the matter! The responsibility for district roads in the Kibos area rests with the Nyanza District Council, on which there is an Indian member, and I can only suggest that if the inadequacy still exists the Indian member should be approached to raise the matter in the District Council and to make representations to the Commissioner for Local Government with a view to getting funds provided. I would remind the hon. member that, during the past few years, I believe I am right in saying, about £3,000 have been spent on roads in that area.

The hon. member Mr. Pritam also spoke of the shops owned by Indians in native area trading centres, and requested that the present system of temporary tenure should be abolished and should be substituted by long term leases. A trading centre in the very nature of things is a preliminary to a township and often is merely an experiment. Its establishment is intended to test the situation, to find out whether that is the proper place for trading activities. As time goes on and the centre becomes more firmly established over the course of years and the

(Mr. Mortimer) authorities are satisfied that it is in its right place and has come to stay. I think that at that stage there is strong justification for the granting of long term leases for plots in those areas. By adopting that policy we can ensure a better type of building being put up, with proper sanitary and health conditions fully observed. The difficulty is that before leases can be issued, there must be a proper layout for the trading centre, and there must be a survey. As hon. members are fully aware, practically the whole of the survey staff of my department has been taken for military service, and I cannot get them back until after the war, so that a question of that kind will inevitably have to wait until technical officers are available for carrying out the job. The hon. member for Uasin Gishu spoke of the Land Control Bill and of the long time that has elapsed while we are awaiting the approval of the Secretary of State. I can assure the hon. member that the strongest possible representations have been made to the Secretary of State. Sir Henry Moore has personally made representations to him, and we hope that at a very early date we shall be having some definite news.

The next question to which I wish to refer is that of the development of local government in settled areas. I have been asked by the hon. members for Ukamba and Trans Nzoia if Government is really in earnest in fostering the development and extension of local government in the settled areas. I can say unequivocally and without reserve that Government is definitely in earnest in this matter (hear, hear), and desires to see local authorities in settled areas taking upon themselves increased responsibilities for the development of the areas which they control. Hitherto, as hon. members are aware, district councils have been mere spending authorities for Government funds. That certainly is not the situation which the Feetham local government commission had in view when it made its recommendations in 1927. I am, personally, very glad to note that during its last year or two there has been a very marked inclination on the part of all district councils to take upon themselves greater and fuller responsibility, and to couple with that acceptance the adoption

of a system of local rating for their areas. At the last District Councils Conference in September, a few representatives of the district councils were appointed to meet with the Government officers concerned in devising plans and making recommendations upon the precise allocation of financial responsibility for the development which district councils might wish to take on in future. That committee has had one meeting, and is having another this afternoon, and we hope that plans will be formulated then which will be satisfactory to the district councils and to all parties concerned.

The question of Indian representation on district councils has again been raised. The law on this subject is permissive. His Excellency the Governor may nominate Indian members to district councils. As all hon. members are aware, in one district council only, Nyanza, which is the only district in which there are extensive Indian land holdings, an Indian representative of the Indian community has been appointed. There is no intention at present of going further than that District Councils are considering, in some cases, whether it will be possible to take under their administration townships and trading centres; Indian representation will then have to be further considered, because, as district councils are fully aware, if townships and trading centres are brought within their scope, some means will have to be found of Indian representation on the controlling body of such townships and trading centres. On the subject of district councils, I should like to express my own gratification that the only two districts which have hitherto stood outside the district council system have expressed a desire to come in. One is the district of Machakos represented by the hon. Member for Ukamba (laughter), and the other is the Kericho-Sotik district, represented by the hon. Member for Nyanza. Public meetings in both places and the respective district committees have unanimously expressed a desire to come into the district council system and I hope that during the year they wish will reach fruition. (Hear, hear.)

The last question is housing for African in urban areas, raised by the hon. member Mr. Beecher. On more than one occasion I have placed before

[Mr. Mortimer] This Council the facts of the situation, particularly as they refer to Nairobi. It is substantially true that 14,000 to 15,000 Africans in Nairobi have no place where they can sleep within the limits of the law. I do not mean that they are all sleeping in the open air, but they are sleeping in conditions of overcrowding that cause a serious menace to public health. Reference was made to the statements made in the House of Lords during a recent debate initiated by Lord Rennell of Rodd. It is remarkable that one who has so recently been in Nairobi should have been so ill informed as Lord Rennell showed himself to be (Hear, hear). I can say with authority that, when Lord Rennell was in Nairobi, if he visited the native location at all he certainly did not do so in the company of any officer of Government or of the Municipal Council entrusted with native welfare nor, to the best of my knowledge, did he ever make any inquiries from any authoritative sources as to what was going on or what was being planned. His lordship admitted at the close of the debate that his information had not been up-to-date (Laughter.) It may serve a useful purpose if I refer very briefly to what has been done and what is being done in native housing in Nairobi, and I do this in no spirit of complacency, because I realize that very much more remains to be done to meet existing demands, and that the situation needs to be tackled in a very realistic manner. I do it merely because I think it is right that hon. members of the Council, the general public of this Colony, and the world at large should know what has been done and what is being done, which is an achievement of its mean order in spite of all the difficulties of to-day.

Starting first with the Government, and I do not exonerate Government from serious blame for its tardiness in recognizing the need for housing its own staff properly and in beginning adequate housing schemes. Since we started, however, very good progress has been made. The housing required in Nairobi is for about 620 plus about 140 barrack quarters. The scheme on which we are embarked provides for an expenditure of about £108,000 to house adequately all those people. Some £35,000 will be provided by this Government and the

Colonial Development and Welfare Vote will supply the balance. Sixty per cent of the scheme has now been completed and the remainder is being vigorously attacked and will be completed during 1945, I hope. The Municipal Council of Nairobi has vigorously attacked its own special problem during the last few years in spite of very considerable difficulties. In the past, up to about 1942, they had provided 2,000 rooms at a cost of about £85,000, but since 1942 very much further progress has been made. Lodging houses costing £10,000 have been completed with a maximum capacity of 480. There is another scheme at a place called Ziwani which will contain, when completed, 430 houses of which 286 are finished and approximately 80 half finished. The progress is at the rate of about 14 dwelling-houses a month, and the cost up to the current month has been £34,000. In Pumwani, another 40 houses have been built at a cost of about £5,000. In addition to this, there is a major scheme which has been under the control of a committee known as the Local Government Housing Committee, which is a combination of Municipal and Government representatives. That scheme is to provide accommodation for about 3,000 at a cost of some £240,000. The first part of the scheme is almost finished at a cost of about 164,000, and the second part will be embarked on soon. The Colonial Development and Welfare Vote will be providing very large sums of money, either by a free gift or by loan. Negotiations are now proceeding with the Secretary of State as to the terms on which these funds will be provided. Then it is expected that the Nairobi Municipal Council will take over the scheme on terms to be arranged by Government.

I am satisfied that the progress envisaged, while it is good, is not good enough, we are not keeping pace with the housing problem. My own conviction is that so long as we rely on stereotyped and traditional methods and materials, we shall never keep pace with the urban housing problem. We shall have to investigate in every direction the possibility of using other than traditional material for speed and cheapness and efficiency, and these investigations are proceeding. Instead of building for 99 years, we shall have to bring our minds down to 20 or 30 years, at a lower cost and obviously

[Mr. Mortimer] at greater speed. The Nairobi Municipal Council has so far been opposed to any system of temporary housing. Their opinion may change as we are able to produce evidence of adequacy and efficiency by the use of non-traditional materials. We are seeking all over the world the best advice possible and collecting the information available from the latest investigations.

Before I close on the subject of housing, I ought to mention the Government housing scheme at Mombasa for housing its own servants, which is to cost £88,000, of which £30,000 has already been expended, and some £58,000 remains to be expended in 1945. The Central Housing Board which was appointed to administer the Housing Ordinance passed last year is vigorously pursuing its work, and as soon as funds are available this Council will be asked to vote the initial sums to establish the Central Housing Loan Fund, about £500,000 to start with, which will enable the board to advance money to local authorities adequately to deal with the housing situation within their own areas. (Hear, hear.)

The debate was adjourned.

ADJOURNMENT

Council adjourned till 9.30 a.m. on Thursday, 30th November, 1944.

Thursday, 30th November, 1944

Council assembled in the Memorial Hall, Nairobi, at 9.30 a.m. on Thursday, 30th November, 1944. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 29th November, 1944, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 70—BANKRUPTCY (AMENDMENT) ORDINANCE, 1944

MR. VINCENT:

Will Government state whether (a) the Government of Tanganyika and (b) the Government of Uganda has signified its intention of enacting a similar Bill to the Bankruptcy (Amendment) Bill passed by the Kenya Legislative Council on 9th June, 1944 (see Hansard, Vol. XVIII (Part II), 1944, col. 181)? If either answer is in the negative, please state the reason given (if any).

MR. SURIBONDI: (a) It is learned that while the Government of Tanganyika Territory agrees on the desirability of parallel legislation it is not, as at present advised, prepared to accept all the provisions of the Kenya Bankruptcy (Amendment) Ordinance, 1944. The matter is still under examination by the Government of Tanganyika.

(b) The Uganda Government has advised that it has decided to enact legislation on the lines of the Kenya Ordinance, but that action has been deferred until that Government has had time to observe the operation of the new section 29A as it is doubtful about the desirability of this section.

No. 72—LEGISLATIVE COUNCIL ORDINANCE, 1935

MR. NICOLL:

In view of the fact that during the recent election for members of this Council it became apparent that certain provisions of the Legislative Council Ordinance, 1935, relating to procedure, are unsatisfactory, would Government favourably consider appointing a committee, from among

[Mr. Nicol] the members of this Council, to review the provisions of the said ordinance relating to the procedure for the election of members to this Council and to make any recommendations for amendment which appear to them to be desirable?

MR. SURDIGE: The answer is in the affirmative.

DRAFT ESTIMATES, 1945
REFERENCE TO STANDING FINANCE
COMMITTEE

The debate was resumed.

MR. DENNISON: Your Excellency, the hon. and reverend member representing native interests was somewhat concerned with regard to the personnel affected by the provisions of sub-section (2) of section 5 of the Government Staff Provident Fund Ordinance. Since raising the point the hon. member has, at my suggestion, again perused this ordinance. I understand from him that he can see that there are certain difficulties in the way of getting this ordinance into operation. This ordinance, like most pension and provident fund ordinances that I have dealt with, presents a certain amount of difficulty in administering. I suggest the reason is that whereas we lawyers, who are normally a lucid and clear profession (laughter), have, in drafting these particular types of ordinance, to call to our aid the financiers (laughter), and as far as I can see, there is always a certain difficulty in understanding such ordinances. However, the meaning of the ordinance is at the moment being reduced to what I would term layman's English. After that it will be reduced to simple, as distinct from basic, English, and it will then be reduced into Kiswahili. A small committee has been formed in order to make the necessary reductions, and I understand the hon. member will be asked to attend; and I for one will heartily appreciate his presence. I may say, with regard to the actual point he raised, that the personnel affected by sub-section (2) of section 5 will now be given until the 31st March, 1945, in order to make up their minds whether they wish to elect. I hope that will satisfy the hon. member.

The hon. member Mr. Thakore, who is a member, as he stated, of the Transport Licensing Board, referred to the Board last Friday as being in a mess and chaos. No reasons were given by the hon. member other than that apparently certain people could not get their applications dealt with quickly. His point was made and left at that; he went into no detail. I must go into a certain amount of detail, I hope not at any great length, because when that statement was made by the hon. member there were only two members of this Council who were aware of the exact position of the Transport Licensing Board. The Board is, as you know, sir, a peace-time organization started in 1937, and has until recently had nothing to do with war-time legislation—such as the Defence (Sale and Purchase of Motor Vehicles) Regulations came into force it was soon ascertained that there was a certain amount of confusion existing between the two organizations. For example, the Transport Licensing Board would grant a licence to a particular applicant and the Commissioner of Inland Revenue would refuse to release a vehicle. Then again, the Commissioner of Inland Revenue would grant an applicant a licence and the Transport Licensing Board would refuse a licence. So in order to make the position a rational one the Board decided to vet, or rather pass or refuse, all applications before the Commissioner decided to release a vehicle. I may say I tried to get it the other way round, but the Commissioner was much too sharp for me. The net result of course was that the work of the Board increased enormously, by I should think, quite 70 per cent.

The staff position of the Board when I took over as secretary early this year was that there were two ladies, one had been there for a number of years and knew the routine of the office from A to Z, and another rather elderly lady who came in, I think, just about the same time I did. The work went on quite reasonably well until about May of this year, when one of the ladies who had been there for a long time had to retire through illness. The second lady, who had really run the office work, went ill in August of this year, at the same time that I unfortunately had my first attack of malaria. So the office was being run by one person—this elderly lady who was new to the work and, as I say,

[Mr. Dennison] the Board. However, it gives hon. members some idea of the work to know that in August of this year what I might term the routine work, the question of having 2,500 licences typed and sent out to various parts of the country, was obviously impossible for one rather elderly lady to carry on the work. At that particular time I am happy to record that Mr. Montgomery, Chairman of the Board, and Mr. Parker, a member, voluntarily took on a lot of this clerical work in their own time. The hon. member Mr. Thakore unfortunately was too busy with his multifarious duties to help in any way at all. No doubt if he had had the time he would have done so. Apart from what I might term the routine work—that is the getting out of licences—the other work consists of interviewing some 30 or 40 people of various nationalities each day, answering some 30 to 40 letters, whereas a year ago I believe the letters used to number about six a day. Incidentally, as far as I can make out, to do the work one has to be tri-lingual.

The hon. member Mr. Thakore knew this position. At every board meeting since last August the matter of staff for the Transport Licensing Board has come up. The hon. member has not, however, made any useful suggestion to help us out of our difficulty. Later the position has got so severe that in October of this year the Chairman of the Board had to write to the hon. Acting Chief Secretary and threaten to resign. This letter, which I shall refer to briefly, was read out at a board meeting at which the hon. member was present, on the 30th October of this year, and he made no comment as far as I remember. The letter, of which I shall only read two paragraphs, was addressed to the hon. Acting Chief Secretary on the 28th October, 1944, and said: "The staff position of the Board has again become acute and if something cannot be done it is certain that the 1945 business cannot be got out. What is wanted is a full-time man or woman to take charge of the office, and I want to know if you can detail someone from the Local Civil Service; otherwise the office may have to close". The hon. member was present when that was read out and we were very seriously considering approaching you, sir, with a view to having the

ordinance repealed if we could not get the staff. Fortunately, on the 1st November a male European did appear who was engaged to come along with a view to finding out whether or not we could obtain an Asian as a full-time worker. He was quite sympathetic; I might say, sir, and he said he would do his best to get somebody, and in fact he even offered to endeavour to obtain the services of his brother. However, he has since, I may say, sent an Asian to me whom we hope to take on from the 1st of the month.

Another point of which the hon. member was well aware was the fact that we are extremely short of office accommodation. We had one small office in which there normally would be four people, some 15 large files, and normally African, Indian and European cases. The hon. member spoke he knew that I have been trying, and that Mr. Montgomery has been trying, to get suitable office accommodation for this Board, but he did not in his speech endeavour to get anything out of the Standing Finance Committee from the point of view of giving us a decent building; he never touched on the point. However, I am pleased to say that the hon. Director of Public Works has come to our aid (applause) and I believe that with the aid of funds provided by the Standing Finance Committee, the Board will have an office soon, and I think we have every prospect now of having reasonably satisfactory staff and being able to carry on. I hope in future when the hon. member wishes to attack the Board he will first of all do so at a board meeting and—before coming to this Council. (Applause.)

MR. SHAKSUD-DEEN: Your Excellency, my colleagues called me a confirmed liar. I would not be able to contradict that statement, nor resent the

[Mr. Shamsud-Deen] appellation, because I did make a very solemn declaration in this Council that my appearance at the last session was the last. Unfortunately, through force of circumstances, I have been brought back here again. I do not mind saying that I have been very severely penalised for this breach of promise on my part. I have lost more than one bet, but I am glad to say the sumt that I have lost are going to war funds. In addition to this, I have had to pay my own fare from Mombasa to this place through my railway card pass having been thrown away in India because I did not think I should want it any more. However, there have been a lot of compensating factors against my having been called a liar by my colleagues and others. Some of the hon. members here, to whom I have lost bets, understood me and my community better than I did. I believe there have been a number of compensating features in my being brought to this Council, fortunately I should have been very sorry indeed if I had missed this session, because I have for the first time in the history of this Council seen a son of the soil—my hon. friend Mr. Mathu—taking his seat in this Council representing the natives of this Colony. I think the second compensating factor is that the whole debate in this Council has been remarkable because it has been free from the usual racial sermons and bickering we have experienced in the past, and I hope that will be maintained in the future, sir.

Referring to this little incident of my forced election during my absence, I might say I am glad the hon. member for Mombasa has tabled a motion for the amendment and repeal of the Election Rules. The whole cause of my having made this confusion is due to the fact that our Election Rules require to be revised. Before I left I brought to the notice of Sir Henry Moore the defect in our Election Rules which made it open for anybody, as long as he was prepared to pay a deposit of £50, to put up for election the name of anybody without the consent of the candidate. In my case my real but misguided friends put in my name by paying a deposit of £50, but it does leave a loophole for anybody to play mischief against any of his opponents by proposing his name, knowing perfectly well he would never be

elected and thereby enjoying his failure and making fun of him. Therefore I hope that the Election Rules will be amended to remove that defect.

Most of the points have been amply covered by this debate and there is very little left to be said. I, in representing my Indian constituents, with the limited scope of our activities in this Colony, cannot take part in a discussion on any long range schemes of post-war measures because our activities are limited to that of traders, clerks and workmen and therefore, as I say, although this discussion on soil erosion and various other long-range schemes has been very interesting, I think I can hardly take any part in it. I have hardly any interest at all in this question of soil erosion. If the whole of the soil of this Colony was washed into the oceans I do not think it would affect the Indian community very much. (Laughter.) I was told yesterday that the hon. Commissioner of Lands and Settlement made capital out of the supposed declaration that the Asians had been offered land in the past, probably in the last century—I do not know when—and that they did not take advantage of it. It is all very well to make these statements, but I would challenge him to produce anything in the way of official publications to show that any offer has been made in seriousness to bring to the notice of the Indian community that all these alleged facilities and all these options were there. I have been in the Colony for the last 44 years and I only know that at one time an offer was made to one individual of, I believe, 16,000 acres, somewhere near Taveta; that was merely an individual case. An offer was never seriously made to obtain the co-operation of the Indian community. It is true that of late years offers have been made and land has been thrown open to Indians on the coastal area, but this area is infested with mosquitoes and tsetse fly and there is a complete lack of water. As a rule we have had very little interest in land in this country owing to the racial land policy of Government, but I took up the point with Government on one occasion in the Finance Committee, and I put up a plea on behalf of the white settlers who were being called upon to pay for the cost of clearing tsetse fly which is done by the military. I seriously argued that it is nothing less

[Mr. Shamsud-Deen] a question of the labour market. You purchase your labour. You do not pay any more for a tin of cigarettes at a European shop because it is sold by a European, and I am not contented by the argument put up by the Hon. Director of Agriculture yesterday when he said that subsidies for maize were not granted to Africans because they only sold 20 per cent of their produce. I am surprised that they sell 20 per cent, because it pays them to consume it themselves, whereas the European settlers are paid a subsidy, a grant, which there is absolutely no reason should not be given to the Africans. The mealie-meal does not taste any sweeter because it is grown by a European!

I cannot even be interested in discussing long-range policies of post-war based on imagination and future prospects of this Colony. We wretched Indians have to be contented, I think, by bringing certain matters to Your Excellency's notice and by making an effort to relieve ourselves of the pains and agonies of disease, and that brings me to the question of hospitals. A good deal has been said about the hospital in Nairobi. I have looked in vain in the estimates for any provision for improvement in the hospital accommodation for Asians in Nairobi, but a little bit did come and whispered in my ear that the Standing Finance Committee has passed something like £6,000 for adding probably more wooden shacks to the present hospital. Since my return from India, I have paid visits to that hospital, and nothing has been done during my absence, although strong representations were made to the Director of Medical Services long before I left six months ago. There is hardly any room for additions. If my information is correct and £6,000 is going to be spent on extra beds, I think it will be a sheer waste of money to erect any wooden shacks on that place because it will not bring about any great improvement. I am afraid that I am mixing up various subjects, but when you come to think that we are wasting no less a sum than £16,000 of what we call an Information Office, £16,000 is a ridiculously small sum for the relief of the disabilities which Indians have suffered from ever since their entry into this Colony. I remember something like 30 or 40 years ago that then

Director of Medical Services showing us

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(Mr. Shamsud-Deen) wonderful plans when his office was situate in Government Road in a tin building now occupied by an auctioneer; they were very good to look at, but nothing has happened up to now. We have talked about the hospital in Uganda. I think the one in Kampala is a real hospital compared with the one in Nairobi, which is no Indian hospital at all, and it merely a ward in a hospital of the native hospital type. I attended for the King's African Rifles. On the outbreak of this war I saw a pamphlet published by the Italians showing what was done in Libya and Tripoli for Islam by Mussolini. That might have been propaganda, for beautiful photographs of hospitals and schools formed part of this pamphlet which were admired by the readers.

I submit that this £6,000 is a hopelessly small sum and should be increased to at least £20,000 and that, instead of wasting it on wooden shacks being added to the present congested African hospital, it should be handed over to an institution recognized by Government, known as the Social Service League. I propose that this sum be handed over to them. They have a very valuable and beautiful piece of land from Government in the middle of the town, on which this building could be erected, and where milder cases of patients could be sent, under the supervision of Government doctors, while the more serious cases could be sent to what is known as the K.A.R. or the hospital which has the operating theatre. The present hospital is not an Indian hospital at all, and is in lamentable condition as far as accommodation is concerned. The last time I was there the stink and stench of the whole environment was enough to make a man sick. I must make it perfectly clear, however, that in spite of the unsatisfactory building conditions there the medical service is next to none. It is one of the best one can desire, but, most unfortunately, the other arrangements for food, attendance, and nursing of patients and so on are such that it is not understood by the European nurses or European doctors what inconveniences and discomforts the patients have to undergo. I have tasted the food myself, and it is downright cruelty to dish it out to the wretched patients. I submit it makes a lot of difference if the Governor or even

the Acting Governor visited such a place. I believe two or three members of this Council (including myself) are going to the lunatic asylum this afternoon—(laughter)—not as inmates but as members of the visiting board, and we know that one visit from Sir Henry Moore, your predecessor, almost automatically brought about a change to good conditions and additions to the building at the asylum that representations extended over years could not have achieved. I most humbly and respectfully beg of you, sir, kindly to pay a visit to the hospital and see for yourself whether the conditions that prevail there are as I have described them, and I am sure the administration will then not leave things as they are.

On my return from India after my recent visit I feel myself more or less in the position of a drowning man who is brought out of the ocean and put on land. After seeing the things I have seen in India, I think the hon. member Mr. Mathu when he spoke of the police force would probably think the police force here was very admirable and in no way second to the police in London compared to the police force in India. Before I left for India, I condemned so many Controls in Kenya, but after what I have seen in India I think I have nothing but praise for all the Controls here in spite of all their shortcomings, for they do things far better here than they are done in India. (Hear, hear.) Of course, I am not going into details of what I saw in India because that would hardly be necessary, but as far as corruption is concerned especially among the police force and some of the controls, I think this country is on a very high level. (Hear, hear.)

That brings me to one other factor, the part the Indian community has taken in the war effort in this country. I, as chairman of the Indian Man Power Committee for quite a long time, did all I could to encourage, and even used conscription, to get as many Indians as could be spared for the war effort. The fact that they have not been entrusted to carry a gun on their shoulders and fight as regular soldiers is no fault of the Indian community. Again, as I say, the things I have seen in India—I have seen educated people, many of whom came to my house, with two or three stars, some-

(Mr. Shamsud-Deen) times a crown, on their shoulder, and they talked very happily and seemed proud of their position because the Government of India had encouraged them. To test their sincerity, I purposely put a question to them: "What made you risk your lives in a white man's quarrel, what made you go to Burma and risk your lives?" and the answer was: "The Army makes a man of you." I pointed out to them, incidentally, that while the Army made men of them they were also "perhaps unconsciously preparing themselves for the future defence of India." This had been undertaken by the British people for the last 100 years or so, but the time has come when India, as a member of the family of the Commonwealth of Nations, must look after her own country and its frontiers and take part in her advance. Unfortunately, that policy has not been followed, and that of thousands of Indians who have been enlisted and deserted by the three Indian Man Power Committees who have rendered faithful service, I have not come across one Indian who wears the much coveted pip on his shoulders. The highest rank to which Indian military personnel in East Africa have been promoted does not go beyond that of sergeant-major.

One hon. member made mention of railway fares. I am told the military people are introducing a circular by which all Asians, no matter what rank, in future will have to travel in the third class. Well, in spite of all the discouraging circumstances, I rather admire my countrymen for continuing to take part in the war effort. We are told that conditions in the military offices regarding forced labour are lamentable, but the members of the Indian Man Power Committee were told that our functions finished with the enlistment or conscription of persons and that we had nothing further to do with military affairs or to bring any complaints to the notice of the authorities. I understand that an Indian liaison officer, who was recently appointed from Uganda, occupies the position of captain, which is very gratifying. I am reliably informed that at the time when that position was being discussed at the Governors Conference my name was suggested by someone, and somebody else said, "It will be all right if you appoint him liaison

officer, but it will not be a fortnight before he is court-martialled". (Laughter.) That is perfectly true. The present officer is a very good man, and I dare say knows his job, but unfortunately he is not the live-wire that is them. To make the fullest representations independently without fear. That is the reason why Indian military personnel at the present moment are working under very adverse circumstances. I feel very tempted to refer to some of the cases which are very well known in this Colony, but I shall avoid that, especially as some of them may be *sub-judice*. I am referring to those 52 locally-enlisted people who were sentenced to five years' imprisonment for the offence of protesting against the food supplied them in unwashed plates.

Referring to the Public Works Department, any amount of attack in these days does not cut any ice or make one iota of difference. I do not think one shilling difference will be made in the estimates by any speech made here. (Laughter.) But I must bring to the notice of the Council an anomaly of the Public Works Department, which has taken a certain number of their artisans, after 10 or 20 years' continual service, on what is called the permanent staff, and yet will only give them half the measure of permanent staff by denying them the right to contribute by donation to the provident fund and to have other privileges. The most unfortunate part is that when the Standing Finance Committee and other members of Government take any matter into consideration, they do not take the view whether a thing is right or wrong. If it happens that the sum of money to be incurred by a proposed change, no matter how judicious, is itself, but drop it. I cannot believe it myself, but I am told that the cost of living allowance, which has been given to the Africans and everybody else is denied to many of the employees of the Public Works Department. I hold no brief for that department, but the hon. Member for Ukamba, when he attacked the department, spoke about giving out work to contractors which has through the department cost a lot of money. As a matter of principle the Public Works Department with its staff must not compete with private enterprise, and every possible work that can be must be given out to contract, and it has been proved

[Mr. Shamsud-Deen] that it is much cheaper to get work done by contract with proper supervision than departmentally. The attacks on the hon. Director of Public Works brought to my mind reminiscences of about 22 years ago, when the wrath of a certain European section descended upon the then Director, the late McGregor Ross, and I hope Mr. Stronach will not meet with the same fate. (Laughter.)

With reference to the question of hospitals again, I am rather deaf, but I understood one member to say that even in the native hospital wards there were three patients to one bed. I may have been mistaken, but if it is so that ought to be attended to. Some hon. members spoke about Controls yesterday. Here I say that Government ought to make some representations as regards exports to this country from India. When I was in Kashmir a case was brought to my notice, where a quite reputable European firm in Nalzyobi had sent an indent to India for certain things for women and children together with an import licence from Kenya. The trader in Kashmir sent a letter to the Export Controller, and showed me a letter he had received in reply six months later from the Controller of Exports in Bombay written on a piece of waste paper, corrected in many places with pencil, in which he was told to apply to somebody in Karachi. I expect there is room for more active co-operation with the Export Controller in India and the authorities of this place, and this brings me to the question of the Defence Regulations.

I think some hon. members must have noticed the debate in the Central Legislature in India. People are very much perturbed on account of the Defence Regulations restricting immigration into East Africa. One can easily understand the Imperial Government has remote control over South African affairs because it is a self-governing country, but in these colonies, when such Defence Regulations are introduced you cannot blame the police here or even in India looking upon the solemn assurances given by Government with some suspicion. We know that once a thing comes to pass it often stays. Take the case of the entertainment tax—when it was passed many years ago it was said that it was for one year only, but we

renew it from year to year and we know it has come to stay as a permanent tax. That is what the Indian community and India are afraid of, that one of the few doors of this world hitherto open to them is going to be closed to the people of India. The excuse is made of shortage of housing and shortage of food. If anybody has paid a visit to India he will appreciate that the difficulties which prevail in India as regards food and housing are so appalling that I honestly feel that, having returned to this Colony, I have come to a paradise from a veritable hell on earth—there is no comparison between the two countries. In India I have been given authentic information by a member of the Central Assembly that, quite apart from military personnel, no less than a million and a quarter foreigners have entered India during the war. But India has not yet introduced any immigration rules of the kind we have here. These rules have operated with great hardship against genuine bona fide normal residents of this Colony. People who have property here, who were born here, and went to India to study, cannot get permits to return. I saw the immigration officer two or three days ago, and he explained that there had been some misunderstanding which would be removed in future, and we hope to request Your Excellency to allow the members of the Indian Elected Members Organization to wait on you to have a clear cut policy declared. The food difficulty is certainly not the same as it was about a year ago in this Colony, and the housing difficulty also, I think, would be greatly relieved if the Building Control was relaxed to a certain extent. So that we should then let Kenya Colony be a real place where the inhabitants of three continents could live peacefully and peacefully and pull together.

May I say I have been very much encouraged by the homogeneous atmosphere that has prevailed in this Council during this session, and I hope it will not be spoiled by future speakers introducing racial matters and recriminations as has been the case in the past. I am so much encouraged by this that I shall try to bring about a round table conference between Europeans, Asians and Africans to remove all misunderstandings. I know there is a good deal of misunderstanding about, and unnecessary suspicion, in the

[Mr. Shamsud-Deen]

of all concerned. Sir, we are here as members of the British Empire, and although the Indian is more or less in the category of a sucked orange, I think it is against all British tradition to ignore the best service any members of the Empire have rendered in the past. Take the case of the Africans. The Africans, I submit, would be guilty of sheer ingratitude if they overlooked all that had been done for them by the British in this country: the abolition of slavery and inter-tribal warfare, the peace and order which the British have brought to this country. Similarly, the Indians have done service which has brought about the British settlement in this place. I think all those people who have read the history of the Colony must be quite clear that when the Imperial British East Africa Company attempted to build a railway by the labour that was then available they could not bring it further than from Mombasa, and it had to be abandoned, and it was owing to the Indian assistance that we see the Kenya and Uganda Railway in its present form to-day, which has brought about actual settlement. I submit that if the British people have brought the Indians here—we were here, of course, before as traders in small numbers, but you brought us here, and we mean to stay here. It is going to be a place where the inhabitants of the three continents can play their part peacefully and peacefully, and the outcome of it can be such that will not offend anybody. One hon. member in his speech ignored anything like the Indian community in the Colony when he mentioned Europeans and Africans only. Both the British and Indians have played an important part in the past in the development of this Colony, and the interests of all races are complementary provided we understand each other. I have reiterated this times without number, and have said that we not wish to run or govern this country, we only wish to live and let live. That is all.

As regards the police and other departments, I have come to the conclusion that, when the Government does not take cognizance of the increased rates of living and pay the depleted staffs accordingly, it does aid and abet directly corrupt and illegal methods of its employees, especially such members of the police who have very long hours of

duty and are not paid well. Such a policy is as foolish as if in my case I tried to underfeed or underpay my houseboys. If I did, they would steal my clothes and foodstuffs and so make up their deficiencies. Therefore, I submit that in the case of the police especially and other departments they must be paid enough to make them quite above temptation. I did not see it anywhere in the estimates, but in one of the latest issues of the Official Gazette is a notice that two of three Indian sub-inspectors performing the duties of fingerprint people have been described as fingerprint experts. That is what the Veterinary Department, which changed the designation of one of its employees after 38 years' continuous service, Dr. Hassan, to "veterinary officer" and, in brackets, (Asian). I can never understand that. I have seen in the Sudan, Arabia and other places, the Sudan especially, Africans as judges of the high court and African medical officers, and they were not put down as "judges (Sudanese)". I think it is ridiculous here, and should be done away with. But these two or three gentlemen who have been designated "experts" with increased responsibilities and who are subject to cross-examination in the courts when they appear as expert witnesses in cases, as also Dr. Hassan, have not had a single cent added to their salaries. If you increase the responsibility of a man and give him a dignified designation it is only fair to pay him more.

That leads me to the question of the people who are waiting on both ends of the Indian Ocean. There are thousands of people who want to go to India and there are thousands who want to come back here. If Government could make arrangements for some ships to take a few thousand Indians who have been dying to go back to India for the last two or three years, I think it would relieve the congestion a great deal. I even go to the extent of committing myself, and I do not think my colleagues will disclaim the responsibility when we say you must supply, say, four or five ships, and we will send them back full of passengers from this country. These people have been waiting to go back to India, and some of them have taken the risk of travelling by dhows, but nothing has been done. Similarly there are thousands of bona fide normal residents

[Mr. Shamsud-Deen] increased ten times the amount that it was in 1938—or the estimated income tax—and it plays a most important part in the revenue statistics. The revenue from income tax is estimated to be a million pounds, and that is, as you know, obtained entirely from the immigrant races and, as we learned last year, a great proportion of it from a very small European community. Yet if that big item—this item which has increased ten times what it was before the war—were not present in this budget as framed there would not be one penny for the Education Department, not one penny for the Medical Department, and not one penny for the Police—'The whole of these three votes are paid for by revenue derived from income tax, which is itself derived from a very small portion of the community. I have, not said that as a preamble for suggesting any reallocation or any reshuffle of the incidence of revenue, but I think it is necessary and right that somebody should point this out, because we hear these days—I have heard particularly recently—a good deal of the evils of the impact of western civilization on the African community. I trust your Information Office and your Trade and Information Office in England, and possibly your Public Relations Officer, will take cognizance of the fact that, if it had not been for that impact, these three huge departments which I have named would not have one penny to spend.

I am sorry I can never write my speech and read it to the members of the Council. (Laughter.) Before I have just got to make a few mental notes here and there. (Laughter.) I think I have finished. (Applause.)

MR. COULDRÉY: Your Excellency, I think it will be agreed that hon. members on this side of Council have covered most of the points of the budget under what may be termed the departmental heads, and by your courtesy, sir, many of the departmental heads have made replies more or less adequate. I can assure you right away that I am not going over the old ground, and I can further assure you that I intend to adhere just as closely to the subject under debate—that is the budget—as did the last speaker. (Laughter.)

I want first of all to draw attention to what I might call the general framework of this budget, as so far that has not been done. It is, of course, a wartime budget, and it is probably of necessity therefore a very inflated budget. It contains on both sides very considerable items of non-recurrent expenditure and also of non-recurrent revenue. It therefore follows, I think, that if you compare it with pre-war budgets it is an ill-balanced budget. To indicate what I mean I will take the allocation of revenue statistics. It is a noticeable fact that whilst native direct taxation has actually decreased, as comparable with pre-war budgets, income tax has in-

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I should like to say another word about income tax. I am afraid I must warn my hon. friend the Financial Secretary that if it is his lot in life to prepare the revenue estimates in a peace year, he must regard this figure of one million pounds as non-recurrent revenue. As you know, sir, a great deal of this income tax is a result of wartime legislation. We did agree to a great increase in the incidence of income tax merely as a wartime measure. I am not going to say we agreed to it cheerfully, but we agreed to it as cheerfully as we could. I do not want to prophesy, but I should be very surprised indeed if, when the war is over and the question of revenue is again before this Council, hon. members agreed to the reimposition of income tax on its present scale.

Having said that it is an inflated budget, I think I must for a moment draw the attention of the Council to the

[Mr. Couldréy] financial condition of the Colony as revealed in this budget. After all said and done, as a result of the Great Britain itself, and almost without exception, the dominions—although possibly not so apparent in the case of the Dominion of South Africa—nearly all those dominions are very nearly literally bankrupt. Mr. Brendan Bracken, the Minister of Information, said the other day (at least I heard it over the wireless) that Britain's exports had come down to 4 per cent of their pre-war value, and he summed it up very well by saying that a nation that used to be proud to call itself a nation of shopkeepers had sold out the whole of their stock in order to fight. While that state of affairs has affected the Empire as a whole, we in Kenya have literally been able to cash in on this war. There is no doubt about that. The budget itself, and the Financial Report of last year shows that, and when we take into consideration the state of the Railway as well there is no doubt about it that we have been extraordinarily lucky during this war. And that has been due to no foresight and wisdom of our own; it has been due first of all to the fortunes of war and secondly—though perhaps I should have said firstly—due to the magnificent efforts made by Great Britain and the Empire as well; and, of course, the part played by our troops has also contributed. (Applause.) If we have not experienced the financial chaos which has been the lot of other parts of the Empire, it is I think all the more incumbent on us to see what, not necessarily sacrifice, but what financial efforts we can make in re-establishing our part of the Empire after the war.

This budget reveals that our loan position is very roughly this. We have a four million pound loan on one side of the budget, and on the other side we have tangible or liquid assets which equal nearly half that amount. We are, of course, in a remarkably fine position. I should like now, before I go on to say could, I do not want to prophesy, but I should be very surprised indeed if, when the war is over and the question of revenue is again before this Council, hon. members agreed to the reimposition of income tax on its present scale.

Having said that it is an inflated budget, I think I must for a moment draw the attention of the Council to the

frightfully successful; the then hon. Acting Financial Secretary was not very kind to me. He has, however, changed his label now, and let us hope he has changed his attitude with the change of label. I certainly think it is highly improbable that I shall be able to speak for the inauguration of a local loan next year, because by that time I think the psychological moment at which a loan can be raised will have passed. I strongly refute the allegation made by the hon. Member for the Coast that I have turned financier; but you do not have to be a financier to recognize that the psychological moment at which a loan can be raised is the "all important" factor. Our own loan transactions in the past are proof of that. We missed the bus after the last war, and we had to raise a loan at the wrong moment. We have been at loan paying for a five million pound loan which was raised at a discount; we paid a quarter of a million to float it, and we have been paying 6 per cent on it ever since. I do submit that this question of a local loan demands Government's urgent attention, and I hope in his reply the hon. mover of this budget will tell us what Government's intentions are in the matter. There is, I know, no Treasury objection; I know that the Treasury have agreed to the raising of this loan, and as far as I know the only reason why it has not been raised is because of present certain difficulties. Every- does present certain difficulties. I do not present certain difficulties. I do not hope the hon. Financial Secretary in his reply will not tell me that this matter is under active consideration. That frightens me because, as I said, time is the essence of the contract, and from my experience of the country when a thing is under active consideration it means nothing is going to be done for five or six months.

I have digressed just to mention this question of a local loan and I want to digress still further by mentioning the money standing in the Excess Profits Tax account, which we were told, I think by the hon. mover in his opening speech, amounted to something like a million pounds, or rather that the negotiable part of it amounted to something like over a million pounds; I am well aware that in the neighbouring territories it is mandatory that any amount of excess profits tax which may lie in their hands must be returned to Great Britain, and in this country it is permissible. I am

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going to take what at first sight may appear to be an unattractive view, and to urge very strongly that we do not return this million pounds to Great Britain. I hope to prove to this Council that we shall want every penny that we have got, plus what we can raise by local loans, plus what we can get from the Colonial Development and Welfare Vote. If we are to deal with the commitments which must inevitably lie before this Government and this country in the war, and if we do it in a sane kind of reasoning to return a million pounds to Great Britain with one hand, while the other hand has been stretched out to get some of the British taxpayer's money in the shape of the Colonial Development Fund loans. I am going to urge that this matter of retaining this excess profit tax in this country for the purpose of development receives very serious consideration. As I pointed out, our financial position is very favourable indeed. Our tax revenues, amounting roughly to about £1 per head of the population, and I imagine that were a harassed taxpayer from Great Britain or from Australia or New Zealand to realize that all that we owe is about £1 per head, and at the same time we have such tremendous assets, he would turn green with envy. When, however, he realizes the great schemes for development we have not made and the great schemes for expansion we have not carried out, I think his envy would very soon disappear.

It is pretty obvious that in this position, should we, a country like Great Britain, the Prime Minister of which has announced it practically bankrupt, can make schemes for social security and social advancement which in 1946, I think it is, will total £600,000,000 and two years later another couple of hundred million pounds more, public opinion in Great Britain, Empire opinion, world opinion will not allow this country to remain in its present undeveloped position, and with the very inadequate sums we have allocated for development and for social advancement. (Applause.) There seems to me theoretically on paper a case for emulating that extraordinarily wealthy and extraordinarily successful corporation of which this Colony might almost seem to be a subsidiary. I refer, of course, to the Kenya and Uganda Railways and

Harbours. We might, perhaps—on paper anyhow—capitalize all the revenue we can get and put it in reserves, and say they are not reserves, and use them for furbitishing up our existing assets. I do not believe we should be allowed to get away with it, and we shall be forced to use them for the development of the country.

Hon. members on this side of Council have with moderation and restraint visualized huge sums of money that will have to be spent on such services as soil erosion service, getting water, and other means for rehabilitating this country, and so I will not touch on that aspect of what must be our post-war plans. So far, I do not think anybody has done so, so, I will confine myself to social services, and I will begin with the education part of those services. I have here a year book and a good deal of literature about the Union of South Africa. The Union of South Africa is not generally credited with having a very forward or advanced native policy, and I have been very interested to see the sums of money which the Union is prepared to spend on its native education. At the beginning of the century, shortly after the most regrettable inter-racial war, the total amount of money spent on native education in the Union was in the neighbourhood of £8,000. To-day, as far as I can make out—because it is a complicated budget—when you take the amounts paid by the central and provincial governments, the Union is preparing to spend £1,700,000. That is on the native population not twice the size of ours. If we had to spend a comparable amount or an amount *pro rata* on our African population, we should have to spend £500,000—our budget estimate is £108,000. I want to warn this Council, both sides of my own colleagues as well as hon. members opposite—that in time to come this sum of £108,000 will be considered ludicrous, because of its smallness. I do not believe that, even if we wanted to, we should be able to deny the African in this Colony the same standard of education as he is getting in South Africa. I do not believe that anybody wants to do it, but the question of finance comes in. There is no such thing as free education. If the recipient of the education does not pay, then somebody else has got to, and the somebody else in

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a colony like this means the Government.

But if I view a big department like the Education Department in the right perspective, and you do look at it in that way, it is really a dividend paying department if it is effectively administered. All the world over education has paid dividends. And, again, if it is to be effectively administered and the rate of expenditure keeps pace with the rate of development in such things as soil erosion and other measures for increasing the financial stability of this country, I believe that in time to come every penny spent on the education of African will be money well spent and will pay dividends. After all said and done, the object of education is not merely to teach illiterate Africans to read, write and do arithmetic, but to teach them to have a higher standard of living, to put in a higher standard of work, and therefore to get higher standards of wages and, therefore, frankly, to pay a higher standard of taxation, whether that be direct or indirect, and in time to come, no doubt, the Africans as they are so much greater in numbers than any other community, will have to shoulder up to a very great deal more taxation, whether it be direct or indirect, than they are able to do at the moment. But there must be a shortfall between the time when the Education Department can pay dividends and now, and somehow or other we have to evolve some scheme until the time comes when its dividends are visible in the shape of the higher standard of living which I visualize for the African community. I think myself that can only be done by making demands on such funds as the Colonial Development Fund as other colonies have done and, of course, I am not visualizing there will be a tremendous growth in expenditure on African education right away. It must be an evolutionary process.

I want to turn, because I must, to certain items in these Department of Education estimates. I do not intend accuse hon. members on the other side of Council of stealing my thunder, but on this occasion the hon. Director of Education definitely stole my thunder, and I should like to endorse as strongly

as I can endorse what he said about an improvement in the terms of service for native teachers. (Hear, hear.) It has been well said, I forget by whom, that the preceptors of our youth are the trustees of posterity, and there is no doubt that we have got to get the best stamp of African we can to teach his fellow citizens. In order to get that best stamp, we have got to make the terms of service attractive. Perfectly frankly, I am not frightfully concerned whether at this juncture, with the African in his present state of evolution, we should make such posts as that of biochemist attractive to the African. I think great consideration must be given to that particular post, but everybody concerned must see that we do really get the best type of African we can to teach his fellow citizens. Many years ago in England, when a great expansion took place in the educational services, the then Government made the vital mistake of trying to economize on its teaching staff by depressing their terms of service, and it very naturally did not get the best teaching staff. That mistake has been acknowledged and rectified since, but I see no reason why we should repeat that mistake.

I was glad to hear from the hon. Director of Education that he intends to look into this question of the education of Kenya-born Indian children. If you expect Kenya-born Indian children to become decent citizens, if you expect Kenya-born children of any nationality to become decent citizens, the only way you can do it is to give them decent education amid decent surroundings. (Hear, hear.) In my opinion, and I have visited some Indian schools, we are definitely not doing that. I associate myself wholeheartedly with the remarks of the Director of Education that he intends to look into that, and I do this more willingly because I am in a good many things entirely opposed to claims made by some of the Indian members. But in this respect I consider they have a grievance, a just grievance, and I believe it is up to somebody from this side of Council to voice that grievance and assist them if we can to get it rectified. So much for the Education Department vote. There is a lot more that I could say but, of course, I cannot take up too much time.

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But before I leave there is one item I wish to refer to, but not connected directly with the education vote. That is the question of the new appointment of Director of Training. I think everybody welcomes that appointment, everybody, all of us, appreciate that we must make every effort we can to train those people returning from the war and absorb them into civil life, and I am sure that everybody wishes the Director great success. But there are two things I would like to say about the appointment. First of all, I do hope I shall get an assurance from some Government speaker that he will really get the full co-operation of all Government heads of departments. And, further, that as far as lies within their power of Government they will see he gets real co-operation, not merely lip service, from the military authorities concerned. I do not want to stress these points, but rumour has it—it may be lying, it generally is—that he is not getting that co-operation, not from Government people but the military authorities, and again I stress the fact, I stress my plea, that as far as lies within your power, sir, you will see he does get that co-operation. Secondly, I would express the hope that his hands may not be fettered owing to the fact that this is an inter-territorial appointment. I do not want the case to arise that his hands are fettered because he has to get at the same time approval for projects—

MR. THROUGHTON: On a point of explanation, it is not an inter-territorial appointment, it is a Kenya appointment.

MR. COUDREY: That saves me from saying quite a lot! (Laughter.)

I can now pass on from that appointment—which I am glad is not an inter-territorial appointment, because he may be able to get something done—to the Medical Department. The generalization I have made about the Education Department applies very much indeed to the Medical Department, the generalization—it is a generalization only—that we should look upon that department as a dividend-paying healthily. It must be so. We cannot get healthy minds in unhealthy bodies, and we must look after bodies. I do not think anybody on this side of Council or the other side is satisfied with the medical advance we have made for any section of the natives out

here. The hon. Acting Director of Medical Services yesterday, in his reply, said, I think I heard him rightly, that the accommodation for natives in hospitals had now risen to the tremendous number of 3,500—3½ thousand beds for 3½ million natives. I am convinced that if any stranger had walked into this hall and heard that statement and remembered that we had ruled this country for the best part of 40 years under British rule, he would have gone away thinking that we certainly had not been over generous in our interpretation of those much abused words "trusteeship of the native". There is no doubt at all—and again this applies to us here just as much as to you there—that we have in future to face budgets in which the vote for the Medical Department will be infinitely larger than they are to-day. We shall have to face up to that.

I will not take up the time of Council by talking any more about social services. Exactly how they are to be financed must be the careful consideration of those whose duty it is to look into these matters, but finance for them there will have to be, because we cannot continue, we dare not continue, in the present state of providing such a little for those African people and for other races. I have not purposely talked of the question of European education and European medical services, not because I do not feel they should be enhanced, but because they have been very amply touched on by other speakers but, as a generalization, there is no doubt about it that these two departments of social service in this country will have to be enormously increased in the very near future.

Now I will try and reply briefly to a few of the points raised in debate yesterday and on preceding days. First of all, I want to say something about the Public Works Department. Frankly, I wish I had not. I do think everybody will agree that the criticisms made and the suggestions made from this side of the Council were advanced in a most moderate and restrained manner. There was no animosity, and in passing there was no need for it, because everybody has a great personal regard for the hon. Director of Public Works (hear, hear), but when I listened to his reply, well, in a long life—and I have lived longer with one exception than anybody else in this

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country (laughter)—in this Council—I have never heard such an apt illustration of the French saying—"Qui s'excuse s'accuse". It was really not a good effort. He did, however, say one or two things which I think need comment. He did say, and I took a lot of cheer from it, that it was the normal practice of the department which he would revert to as soon as he could to give such works as he could out to contract. That, I think, cheered us a bit. Then he said that when he did make a contract it needed nearly, if not more, supervision than when things were being done departmentally. I do not think he intended it, but I inferred that he did not give sufficient supervision when things were done departmentally, and in my view that is why so much departmental work costs such a tremendous amount. However, I do not want to rub it in.

I would only make one other remark. The hon. Member for Ukamba pressed for an expert hydrographic survey. Normally speaking, I would welcome that, but really one is rather frightened that the Public Works Department will get hold of some man already in their employ, and say "Here's another couple of hundred for you to make a noise like an expert and we will send you away to some other country to pick up the technicalities of your job". That is what happened when we asked from this side for a road engineer, and we do not want that sort of thing repeated. There is no question about it that whatever the causes may be, making due allowance for the war and everything else, the delay in getting our roads into a reasonable state of repair, getting new roads made, is very nearly intolerable. I was very glad to hear the hon. Director of Public Works say that when this new alignment from Nairobi to Kedong was opened it would be one of the finest scenic roads in Africa.

I was very glad to get that assurance, because at the present rate of progress very few of us will live long enough to find that out for ourselves! (Laughter.)

I will make one remark on the excellent speech made by the hon. Director of Agriculture. If I heard him right, he cannot remember the exact words, he gave an inference—which was taken, he said, by myself and some of my colleagues—that the reason for the terrible

state of erosion in native reserves was due to the demand made on the native reserves for extra production for war purposes. If that inference is a correct one, I would think it is incorrect. Obviously the statement is entirely incorrect. Obviously the demand for increased production by natives has increased this evil, but the real reason why this erosion exists at all goes a long way further back than the war. (Hear, hear.) Of course, under the primitive native agricultural methods I suppose there always has been erosion up to a point, but the real evil of erosion crept in in the days of the great slump, when this Government adopted what I believe to be an entirely wrong policy, a most ill-considered policy, in attempting to hold on to the prices of agriculture internally as other countries did, but instead adopted the policy of persuading the natives by every method they knew, by direct instructions to agricultural officers and administrative officers as well, to go in for any sort of cash crops they could, anywhere they could, in order to get sufficient money to pay their hut tax. I should hate it to go down on record unchallenged that the terrible conditions of the native reserves are due entirely to the war. That is all I have to say as regards the speech of the hon. Director of Agriculture.

Now I come to a most unpleasant subject indeed. Again I should like to get out of it if I could, but I have got to speak about the Forestry Department. You, sir, I think yesterday interested in the debate to point out that the Conservator of Forests is no longer a member of this Council. Just for this moment I regret it, because I would like him to be present to hear the words I have got to say. My hon. friend on my left, the Member for Rift Valley, let himself go at very considerable length on the lack of policy displayed by the Forest Department. The hon. Member for Aberdare has for many years to my certain knowledge come here year after year and deplored this very same lack of policy. I am not an expert on forestry matters. All I know is that if there is a forestry policy at all there it is no drive behind it, no imagination, no force behind it; there is nothing behind it. (Hear, hear.) I do not really quite know what we are going to do about this. I understand that Your Excellency or your predecessor some time ago appointed a Forest Advisory

[Mr. Couldey] and that that Council has asked for an inquiry into the policy, or lack of policy, of the Forest Department, and they have put in certain recommendations which I do not wish to mention now. I hope that the hon. Acting Chief Secretary when he replies to me will give the Council some indication if anything at all is going to be done, to remedy this terrible state of affairs as regards our policy. I do not see how we can come down here year after year and raise this question, and then go back to our constituencies and nothing happens. After all, we have a duty to our constituents, and we have a duty to you, sir. Our duty, as far as I see it, is because of our local knowledge to give you the best advice we can on these very matters such as forestry. Well, sir, if we are really honest with ourselves—and you give this advice, as far as I am concerned I do not quite know how to put that advice into moderate or even parliamentary language. Something must happen, we cannot go on like this forever, and I hope whoever is appointed to reply to this point will give some assurance that the Government is concerned with forestry in this country and does intend to do something in the matter. It is not much that we are asking for, we are meek and mild people, but we really cannot go on asking for something forever!

I want to say a word or two about an office which the hon. member Mr. Shamsud-Deen has said is a complete waste of money—I refer to the Information Office. We have in this country a Ministry of Information Office which is the concern of the Imperial Government, and an Information Office which is very much our concern, and now we have a Public Relations Office. It is pretty obvious in this arrangement, incidentally, we have at home also a share in a Trade and Information Office in London. There is pretty obviously something tephany in the set up of this information business. Actually, of course, in the true sense there is no set up at all, because all these information offices and officers are not the result of planning—they have just happened, just like to say a very sincere and very real tribute to the officer and the staff of our Information Office. (Hear, hear.) Prob-

ably I think I can say this because I come in touch with this office more than anybody in this Council, on this side anyhow, and I say without hesitation that I have never met a more zealous and harder working officer in my experience. The Information Officer himself did not want the job, he does not like the job, but, like many other people in this war, he is doing his duty in that state of life in which it pleased Government to call him, and he is doing it extraordinarily well in my opinion. (Mr. SHAMSUD-DEEN: What information does he impart. I want to know?) I am not going to reply to that now, sir.

In this respect, there is one little item, a small item, on which I should like to say a few words. I notice that the officer has now been appointed Information Officer, when for the last three years he was acting Information Officer. I do not know whether there is any financial implication to that, whether he gets any more money because now he has obtained substantive rank, or if there is any financial implication to his benefit I suggest that the Standing Finance Committee should consider very seriously if they cannot make an extra allowance, if there be one, retrospective to, at least one year. I think it is entirely wrong to keep Government servants in acting ranks for three years, if by so doing there is a financial advantage to Government. I think they should get after a decent probationary period, the substantive allowance.

Now I come to this Public Relations Officer, and let me say right away that, although I have urged the appointment for years and I am very glad that it has been made, and I am sure everybody on this side of Council and I in particular will do all we can to co-operate with the officer who has the appointment to make it a success, I am just a little bit dubious about it, and if I wanted to go into detail I would point out that pretty obviously that if we have an Information Officer he should be the same person as the Public Relations Officer. But all I will do at the moment is to wish him success. And this raises another point. The officer in question is a senior provincial commissioner, and as far as I know he is still borne on the establishment as a senior provincial commissioner. For the last five years, since this war, the position in the Administrative Service is this: The top

[Mr. Couldey] of the ladder is obscured by the fact that we have always had senior provincial commissioners seconded to some other job, and they are still kept on the establishment. If I must mention names, I must mention Mr. Fazan, and there is at the present moment a senior district commissioner seconded as Commissioner of Mines. I do not think it fair on the Administrative Service that these people should take other jobs and still bear the burden of promotion. (Hear, hear.) Most people on this side of Council will, I think, agree with me that administrative officers in the districts are the backbone of the administration of this country (hear, hear) and as a generalization we get some extraordinarily good officers there. We have got one or two considerable duds, but that is inevitable in any able body. I know of nothing more heart-breaking than to give a man a responsible job and give him the impression that, strive as much as he can, with all the initiative he can, he cannot get promotion because the head rung of the ladder is occupied by gentlemen who are retired but are seconded to other jobs. (Hear, hear.)

In this connection, because I believe it is a really serious point as far as the Administrative Service is concerned, I will mention my hon. friend—and when I say my hon. friend I do not say that in any legal parliamentary sense, because he is my friend—the Provincial Commissioner for Rift Valley. That gentleman has served five years in this country well; we have had the best of his years and we have had the best of his energy and initiative. He wants to retire—he has retired in fact; he wants—as I should like to do—to put his feet up on the farm and drink his gin and biters in his own house; but he has to go back to the Administrative Service as a Provincial Commissioner. Is it fair on the juniors? I maintain it is not. Of course, I know what my hon. friend the Chief Native Commissioner will do; he will fling back at me the same old story about bodies. I understand it was you who coined that phrase; I think he is responsible for that funeral designation! He will say he cannot get the bodies. I admit that it is very difficult under war conditions to get man power, but it is impossible to get them if you do not try. I am not insinuating that he does not try, but I am insinuating that

Government to-day is making perhaps too much of this war business; they are sitting down too mildly under this suggestion that they cannot get bodies. I cannot believe that they could not get a body to act as Junior Provincial Commissioner if sufficient efforts were made, and so let my hon. friend retire and drink his gin and biters on his own fireside.

So much for the question of Administrative officers. There is just one more subject while I am on my feet in connection with information, and that is the Trade and Information Office in London. At the beginning of the war, as you are aware, to use naval parlance, this office was reduced to a care and maintenance man, who was a pensioner of one man, who was a lady clerk and a part-time lady clerk. I dare say at the beginning of the war when the blitz was on and so on, they were not very busy, but I have recently been home and I know they are very busy people now. What I want to refer to is the salaries these people are getting. I am not going to refer to the man so much because I think he is probably capable of looking after himself, but I do want to refer to the emoluments we give to this lady clerk. She has been nearly 20 years in the service of these territories; she attained to her maximum salary, which was £4 a week, quite a long time ago. She does, it is true, now get a cost of living bonus, but she has no pension to look forward to, no contributory pension or provident fund or anything of that nature. There is no doubt at all that in the last two or three years, had that lady chosen, she could have obtained other occupation in London, because there is a tremendous demand for woman power, at a greatly enhanced salary, but she chose out of a sense of loyalty to remain in this office, and I do suggest it is not right that we or the other territories should be so niggardly in our treatment of staff who have served us loyally.

While I am on the subject of the London Office, there is one thing more I should like to say, and that is to pay a tribute to the part played by Southern Rhodesia in London after members of our forces returned to London. It may not be generally known to all members of this Council that if any members of our armed forces who are Kenya's citizens

(Mr. Cuddihy). are in London, they are promptly invited to go to Southern Rhodesia House; they are told by the usual agent in London to register there, Southern Rhodesia then takes charge of them, introduces them to all the amenities—and they are, fairly considerable—of Southern Rhodesia House, then lend them presents of cigarettes, chocolates and all that sort of thing and believe me, chocolates are very acceptable presents when one happens to be in London under wartime conditions. They also look after Kenya prisoners of war on exactly the same basis as they do their own nationals. (Applause.) I was myself in Southern Rhodesia House and I saw parcels being made up for prisoners of war, and our Kenya prisoners are treated exactly the same as their own people. I ascertained that they suffer no financial loss by doing this. The Governors Conference does contribute towards expenses, but of course it does not contribute to their overheads, and the reason I have raised this is that I hope at an appropriate time this Council will put on record its appreciation of this action on the part of Southern Rhodesia. (Applause.) This is in my opinion pan-Africanism in its purest and best form.

Now I am going to tread a bit delicately because I have to talk about my hon. friend the Economic Secretary. Yesterday, the hon. Member for Rift Valley said that we would like to have appointed to this country an economic adviser. In the course of his speech he made it clear that he did not think that the hon. Economic Secretary would fill the bill. By the way, I should like to say that I entirely agree with him. There is, I think, nobody this side of Council who does not recognize the great ability of this hon. member who is sometimes Financial Secretary and sometimes an Economic Secretary, and so on, and we obviously recognize his great charm and his great qualities, but we do not think he has had either the necessary training or the necessary experience. The man that we envisage is a man who has had a great deal of experience of world economies. Presumably, if he is going to plan for post-war development he cannot plan on the basis of this Colony alone; our post-war development must be tied up possibly with world development, and certainly with African

development and perfectly frankly we do not think that the hon. Economic Secretary has sufficient world experience for that. I do not quite agree with my hon. colleague from the Rift Valley that it is necessary for such office to be held for one year. That I think must be left very much to his own discretion and to the type of adviser we get. I entirely and wholeheartedly subscribe to the idea that when he has been out here some time and when my hon. friend has had the opportunity to see a colonisation to such his brains, then he would probably be the ideal man to put into office. I have pleasure in saying that, because I was a member of the Council and I feel that my colleague on my left (Mr. Trench) or myself in any way intended to disparage my hon. friend's ruling opposite. (Hear, hear.)

I have got very much more to say, but I want to ask a question, and I want to ask that this question will be answered fully and without reserve about those somewhat or so, sundry bodies, the East African Industrial Board and the East African Research Board. I should like to ask, and I hope I will get a straight reply—I am sure I will, but I hope it will be a fair reply—who is really responsible for the policy of the East African Industrial Board, and what is that policy, and who is really responsible for the policy of the East African Research Board, and what is that policy? I agree with my hon. friend the Member for Kiambu that if it is practicable and if it is economic it is most desirable that we get on with secondary industries. Is it the intention of the Government, or the Governors Conference, whoever is responsible for the policy of this East African Research Board, after they have discovered what to them may seem to be an economic secondary industry, is it the intention of the Government to run that industry as a State industry, or is it the policy to make the knowledge they have obtained open to people who have the means, the private interests who have the means and the power, to carry those projects out? I hope we shall get a really full reply on that subject.

There is one other subject which I must touch on and that is the question of the appointment of the Deputy Director of Medical Services. I am only

[Mr. Coudrey]. intervening on this point because I think my hon. friend the Member for Cooke—Coast—(laughter)—well, I did not say "Fish" anyhow (laughter)—my hon. Friend the Member for the Coast omitted to make one point, and that is a point which I think will strike everybody who heard his speech on the matter. It seems to me it is all wrong to take a medical practitioner from the practice of medicine and put him into an administrative post where, in the case of getting practice in his profession, and then after nine years saying to him "Well, you are no good as an administrator; now go back and be a doctor." I do not know if that was an accurate representation of the facts, but that is the representation of the facts as they have been given to me by medical authorities outside, and I do hope, sir, that whoever is going to reply to the point raised by my hon. friend the Member for the Coast will tell us perfectly frankly if this medical officer is expected, after nine years of going away from his profession, to go back to it and is expected therefore to be able to make a success of it and get further promotion.

There is one point that I omitted to make when I was speaking on the Medical Department vote, and that is I should like to endorse very strongly the remarks made by the hon. Director of Medical Services about the terms of service for African nurses. There is no doubt about it that next to, if not equal with, the employment of African teaching staff it is essential that we should get the best type of African women to be trained as African nurses. There is a very great responsibility indeed, and I do hope that the Standing Finance Committee when they consider this case will realize that it is not only important for the Africans, but it is important for us too that the future generation should be given as good a chance medically as I think they are going to be given educationally.

That is all I have to say, sir, and I support the motion. (Applause.)

MEMBER NATIVE COMMISSIONER (MR. MARCHANT): Your Excellency, this is the first budget debate in this Council since I have had the privilege of attending, and at the outset I should like to say that I have been much impressed by the high

standard of debate, but in the light of the galaxy of oratory to which we have listened I profess to feelings of diffidence in getting up to reply to the points made:

One of the chief points raised in debate has been on the subject of native labour, and this point has been referred to by the majority of members on the opposite side of Council. Requests have been made for the reorganization of labour and its welfare, but from the debate it is not at all clear to me what exactly they have in mind. The hon. Member for Nairobi South expressed the view that Government should assume responsibility for labour in every phase—procurement, direction and welfare. As hon. members are aware, the recruitment and care of indigenous labour are governed by international conventions to which His Majesty's Government in the United Kingdom have subscribed, and our local laws are based on those conventions. In the light of the remark of the hon. Member for Rift Valley who has been made clear to me since the hon. Member for Nairobi South spoke that there is no suggestion that compulsion should be employed to ensure adequate labour supplies for private enterprise. Unfortunately, I was not present when the hon. Member for Nairobi South spoke, and I am unable to gauge exactly what he had in mind, but I feel confident that what he really wishes is that an organization should be set up whereby labour can find its way into the labour market with the least possible inconvenience both to labour and employer. This view has Government's full support, and I may say—to use an expression which usually calls forth a smile from that side of Council—is under active consideration.

MR. VINCENT: Your Excellency, on a point of explanation, may I say that there seems to be some doubt as to the meaning of the word "procurement" or of the meaning that I attach to it. It cannot in any way be misinterpreted as meaning conscription or compulsion in any form, or even recruitment in a military sense. The word "procurement" means, according to the Oxford Dictionary, "to obtain by care or effort," and according to Chambers Dictionary, "to obtain for one's self or another, to bring about, to attract or to urge earnestly." The meaning of "procurement" therefore, as I understand it, coincides with

[Mr. Coudrey] are in London, they are promptly invited to go to Southern Rhodesia House; they are told by our own agent in London to register there. Southern Rhodesia then takes charge of them, introduces them to all the amenities—and they are fairly considerable—of Southern Rhodesia House, sends them presents of cigarettes, chocolates and all that sort of thing—and believe me, chocolates are very acceptable presents when one happens to be in London under wartime conditions. They also look after Kenya prisoners of war on exactly the same basis as they do their own nationals. (Applause.) I was myself in Southern Rhodesia House and I saw parcels being made up for prisoners of war, and our Kenya prisoners are treated exactly the same as their own people. I ascertained that they suffer no financial loss by doing this. The Governors Conference does contribute towards expenses, but of course it does not contribute to their overheads, and the reason I have raised this is that I hope at an appropriate time this Council will put on record its appreciation of this action on the part of Southern Rhodesia. (Applause.) This is in my opinion pan-Africanism in its purest and best form.

Now I am going to tread a bit delicately because I have to talk about my hon. friend the Economic Secretary. Yesterday, the hon. Member for Rift Valley said that we would like to have appointed to this country an economic adviser. In the course of his speech he made it clear that he did not think that the hon. Economic Secretary would fill the bill. By the way, I should like to say that I entirely agree with him. There is, I think, nobody this side of Council who does not recognize the great ability of this hon. member who is sometimes Financial Secretary and sometimes an Economic Secretary, and so on, and we obviously recognize his great charm and his great qualities, but we do not think he has had either the necessary training or the necessary experience. The man that we envisage is a man who has had a great deal of experience of world economies. Pretty obviously, if he is going to plan for post-war development he cannot plan on the basis of this Colony alone; our post-war development must be tied-up possibly with world development, and certainly with African

development, and perfectly frankly we do not think that the hon. Economic Secretary has sufficient world experience for that. I do not quite agree with my hon. colleague from the Rift Valley that it is necessary for such officer to be out here for one year. That, I think, must be left very much to his own discretion and to the type of adviser we get. I willingly and wholeheartedly subscribe to the idea that when he has been out here some time and when my hon. friend has had the opportunity, to use a colloquialism, to suck his brains, then he would probably be the ideal man to put into effect the advice. His adviser would give us a little pleasure in saying that; because I would hate any member of this Council to feel that my colleague on my left (Mr. Trench) or myself in any way intended to disparage my hon. friend sitting opposite. (Hear, hear.)

I have not very much more to say, but I want to ask a question, and I want to ask that this question will be answered fully and without reserve, about those somewhat, to us, nebulous bodies, the East African Industrial Board and the East African Research Board. I should like to ask, and I hope I will get a straight reply, am I sure I will get a straight reply, am I sure I am really responsible for the policy of the East African Industrial Board, and what is that policy, and who is really responsible for the policy of the East African Research Board, and what is that policy? I agree with my hon. friend the Member for Kiambu that if it is practicable and if it is economic it is most desirable that we get on with secondary industries. Is it the intention of the Government, or the Government of the Conference, whoever is responsible for the policy of this East African Research Board, after they have discovered what to them may seem to be an economic secondary industry, is it the intention of Government to run that industry as a State industry, or is it the policy to make the knowledge they have obtained open to people who have the means, the private interests who have the means and the power, to carry those projects out? I hope we shall get a really full reply on that subject.

There is one other subject which I must touch on and that is the question of the appointment of the Deputy Director of Medical Services. I am only

[Mr. Coudrey] intervening on this point because I think my hon. friend the Member for Coote's Coast—(laughter)—well, I did not say "Fish" anyhow (laughter)—my hon. Friend the Member for the Coast omitted to make one point and that is a point which I think will strike everybody who heard his speech on the matter. It seems to me that it is all wrong to take a medical practitioner from the practice of medicine and put him into an administrative post, where, being an administrative post, he has no means of getting practice in his profession, and then after nine years saying to him "Well, you are no good as an administrator; now go back and be a doctor". I do not know if that was an accurate representation of the facts, but that is the representation of the facts as they have been given to me by medical authorities outside, and very rightly, that whoever is going to reply to the point raised by my hon. friend the Member for the Coast will tell us perfectly frankly if this medical officer is expected, after nine years of being away from his profession, to go back to it and is expected therefore to be able to make a success of it and get further promotion.

There is one point that I omitted to make when I was speaking, and that is the Medical Department vote, and that is I should like to endorse very strongly the remarks made by my hon. Director of Medical Services about the terms of service for African nurses. There is no doubt about it that next to, if not equal with, the employment of African teaching staff it is essential that we should get the best type of African women to be trained as African nurses. There is a very great responsibility indeed, and I do hope that the Standing Finance Committee when they consider this case will realize that it is not only important for the Africans, but it is important for us too that the future generation should be given as good a chance medically as I think they are going to be given educationally.

That is all I have to say, sir, and I support the motion. (Applause.)

CHIEF-NATIVE-COMMISSIONER (Mr. Marchant): Your Excellency, this is the first budget debate in this Council which I have had the privilege of attending, and at the outset I should like to say that I have been much impressed by the high

standard of debate, but in the light of the galaxy of oratory to which I have listened I profess to feelings of diffidence in getting up to reply to the points made.

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[Mr. Vincent] what I hope is the accepted Government policy of "education combined with earnest propaganda" to encourage the earnest races of this country to work, and so to progress. (Applause.)

MR. MARCHANT: Thank you. That explains the situation rather more fully than has been done previously. As hon. members are aware, the Labour Adviser to the Colonial Office is at present in East Africa, and is expected to visit this country in the near future. Major Order Brown has had long experience of labour matters, not only in East Africa, but in the Empire as a whole, and it is proposed therefore, to use an expression that has already been used, to pick his brains as to the possibility of setting up employment bureaux in this country, which I think will go a long way towards stabilizing labour and removing some of the disadvantages of the present system. There are, however, considerable difficulties in setting up these bureaux. It is obvious that a very close link must be maintained between the labour producing areas and the labour consuming areas. Bureaux would therefore have to be set up both in the reserves and in the settled areas, but even then I do not think necessarily that these bureaux would solve the problem, and it may be necessary to continue recruitment by private agents *par passu* with the setting up of bureaux, until such time as the new system has become accepted and understood by both labour and employers.

In the first instance I think employment bureaux would prove of great assistance, particularly in the case of skilled labour and employers of skilled labour, in that records of the man's qualifications could be kept and the employees and employer both would know what to expect of each other. My hon. friend the Attorney General will tell you that he has proposals for setting up labour bureaux in connexion with his demobilization plans. So far as the Labour Department is concerned, it is proposed, provided the staff is available, to extend the activities of the Labour Control Office in Nairobi and Mombasa to fulfil the functions of employment bureaux early in the new year.

Turning to the organization of labour in the native areas, hon. members are aware that, under the native Authority

Ordinance, adult males can be called out for communal work for six days a quarter. The majority of the local native councils have passed resolutions or by-laws under which adult males can be called out for communal work in the interests of soil conservation, and a great deal of excellent work has been done in this respect by this method. The tempo will, however, have to be stepped up when it is possible to obtain the supervisory staff necessary to give full effect to the proposals of the hon. Director of Agriculture for which funds have been voted under the Colonial Development and Welfare Act. At present the limiting factor is lack of staff. The hon. member Mr. Beecher referred to "lack of bodies" as a fanciful expression, but one cannot have a funeral without a body, and without staff one cannot continue schemes for improvement in the native reserves. Turning to the welfare of labour, since I have returned to this country some 10 to 11 months ago, I have travelled extensively, and I have been very much struck with the genuine desire on the part of employers of labour for the wellbeing of their employees. I think the hon. Member for Trans Nzoia is right when he says, that probably the present more enlightened outlook in this respect is due to the improved financial position of employers, so it is only to be hoped that this happy state of affairs will continue. As hon. members are aware, district councils have under consideration proposals for setting up social centres in settled areas where educational, medical and recreational facilities will be available. I know also many farmers intend to improve the housing on their estates, and also the diet. By such means, the general lot of the native employee can be improved with, I hope, the growth of a feeling of responsibility towards the community as a whole. It is a common complaint that the African is not working to capacity. That may be due to a variety of causes, and I regret to say it is not peculiar to the African, but with improved conditions of living, better diet, and a resultant feeling of wellbeing, a desire to maintain a higher standard of living should be bred with a corresponding urge to work, and to avoid losing a job. Wives will play an enormous part in this, because once given women decent houses, decent conditions of living, they will see to it that their

[Mr. Marchant] husbands ensure a continuity of these amenities. This may sound like wishful thinking, but if one studies the evolution of labour throughout the world I think it will be found that the influence of women has a great and stabilizing effect on labour.

The hon. Member for Nairobi South also referred to the need for the Labour Department being something rather more than an inspectorate. With this Government is entirely in agreement. The Acting Labour Commissioner is now engaged in preparing proposals for strengthening his department to enable these wider functions to be fulfilled. Among other things, the labour legislation is being overhauled, and in the near future this Council will be presented with legislation covering workmen's compensation and protection of factory workers.

To turn to other points raised in the debate, the hon. Member for Nairobi South asked why, in areas in which famine relief has been necessary, natives could not go out to work to reap the harvest which was used to feed them. The short answer to this is that the drain on those areas where famine existed has been so severe for both civil and military labour requirements that it was not possible for this to be done without causing severe hardship on the women and children and the aged, who could not be moved. Moreover, it will be remembered that a serious locust infestation has occurred, and had all the adult males been removed as suggested there would have been nobody to combat this menace, with the result that the standing food crops might well have been destroyed. A number of hon. members have referred to the gravity of the situation in the reserves as regards loss of fertility of the soil. The hon. Director of Agriculture has dealt with this question, but I would like to add one or two remarks.

We seem only now to be beginning to realize that Africa generally speaking is a poor country, and yet we are expecting her to carry and support by agriculture in some parts a population of 800 million more to the square mile. This, combined with fickle weather conditions in recent years, has no doubt accentuated the rate of erosion. But the root of the trouble to

my mind is one of over population. There are other contributory factors such as the primitive methods of agriculture and over grazing, but the fundamental problem is one of over population. We are, in fact, trying to put a quart into a pint pot. The solution is not easy, but it is apparent to me that it will be necessary to open up fresh areas for occupation for the native if we are ready to stem the tide of erosion in native areas. Perhaps I might here take the opportunity to reply to the question of the hon. member Mr. Beecher, as to what is being done for the development of what he describes as the more backward areas. The hon. Director of Veterinary Services has already replied on the economic aspect, I will deal with the administrative and social. So far as the Northern Frontier District is concerned, the accepted methods of administration are being spread, and three local native councils have recently been established. A remarkably fine hospital has just been built at Wajir, but I prefer to say that it is not large enough to cope with the local demands. Smaller hospitals have recently been built at the other Administration headquarters in the Northern Frontier District, and proposals for a school at Wajir will come before the Standing Finance Committee shortly. So far as the Masai is concerned, funds have recently been voted to enable the school at Narok to give training in animal husbandry, and I feel sure the hon. member will agree with me that such a development is of first importance both from an economic and social point of view.

The hon. member Mr. Mathu referred to the need for voting funds for the improvement of the Pumwani Library. I understand there are something over 2,000 books in the library at the present time, and from recent inquiries I am pleased to be able to say the demand for books during the last 12 months has almost doubled, but our difficulty at the present time is to obtain suitable books. I understand that the present grant made from the Municipal Trust Fund is all that can be properly expended in present circumstances. If and when more books become more easily available, the question of providing additional funds will be considered. Another point raised by the hon. members Mr. Beecher and Mr. Mathu was that of the desirability

[Mr. Marchant] of associating Africans more closely with the Administration. With this view I am in entire agreement. The first step I hope it will be possible shortly to find suitable Africans to fulfil the duties of executive officers of local native councils. This, to my mind, is the first and most logical step within the framework of our system of administration. A further point raised in the debate by the hon. Member for Nyanza this morning was the question of native taxation. I shall leave the hon. Financial Secretary to deal with the broad policies of native taxation, but I would like to mention that, although it may appear in the estimates that native taxation has increased and has, in fact, decreased according to the estimates, the fact remains that the African to-day is, by reason of higher customs duties on an *ad valorem* basis paying more for whatever he can buy than he has ever done in the past, and the very large increase in the customs duties is largely accounted for in this way. In addition to that, it must be remembered that natives living in native reserves have had their rates progressively increased over a period of years. In this year 1944 the rates have been levied at the rate of Sh. 3 a head; that is not of general application, it is up to Sh. 3 a head. In the aggregate the amount of money raised by this means is very considerable, and, as members are aware, the local native councils spend these moneys on what have been described as social services. They subsidize education, agriculture, medical works, so that I think we can say the African has played his part so far as raising revenue for his own services are concerned to a very large extent. The third point raised by the hon. Member for Nyanza was that of promotion of Administrative staff. I will ask the hon. Acting Chief Secretary to deal with this matter. That concludes my remarks.

MAJOR CAVENDISH-BENTINCK (Nairobi North): Your Excellency, I would like first to make a point about the revenue side of the estimates, and that is to express the hope that in post-war planning the question of the incidence of taxation will not be left out of account, because I think the war may prove that this incidence is proportionately not as fair as it should be. I agree with the last speaker that quite a lot has been passed on to the

ultimate user in respect of customs duties and that the African is paying a great deal but, as I say, that is "passed on" in taxation, and I am not sure that the proportionate incidence of taxation is as fair as it should be, and I think we should go into that matter. As regards the excess profits tax, I should like to support what the hon. Member for Nyanza said when he opened the debate on our side of Council. We think that the excess profits tax fund should, after it has been distributed according to law, remain in the fund and be kept in this country. But there is one other point arising out of that, which I trust will be borne in mind by Government, and which may affect the excess profits tax fund or may affect our income tax legislation. After the war, when people and concerns wish to rehabilitate themselves, they will have to buy new equipment, and the cost of that equipment will obviously be very high in the immediate post-war days. I suggest that some sort of allowance should be made in order to enable people to write off that increased cost of equipment immediately after the war, to bring them into line with those who may be buying similar equipment at a later stage when prices may have come down. Our experience after the last war in those post-war days was such that I believe the income tax authorities would be quite prepared to recommend taking that aspect into consideration.

One other matter on the revenue side. That is, that our post-war revenues will not only depend on the agricultural prosperity of this country, but they will also depend on the satisfactory solution of a number of probably highly difficult commercial problems which are bound to arise in the post-war period. I trust, and I have reason to believe, that Government is doing something about it, but I trust that Government will give us an assurance that they will agree to accept the advice of some sort of board in the nature of a Board of Trade, set up to advise the competent Government authority, whom I presume will be the Economic and Development Secretary. The Chambers of Commerce are not—and they are themselves advised to get—of the type of advice I mean on matters of policy and matters of commercial legislation, and just as we have the Agricultural Board, which I think has been

[Major Cavendish-Bentinck] of some use in advising Government on the larger aspects of the problem, so I think, especially in the post-war period, there should be a similarly constituted board set up to advise Government on commercial problems.

I will deal, as we always do, mostly with matters of expenditure. For the time being the custom for the Government that their revenues may decrease and then carry on and ask for very large sums of increased expenditure, and I am afraid that I shall probably follow that bad old custom. But I would like to deal first with one or two questions under the expenditure heads. The first subject I would like to deal with is that recently touched on: that of Labour. Labour and labour supplies are all-important, so much so that labour questions have loomed large in this debate, and, if I remember rightly, it was the first subject to be tackled by the hon. Member for Nairobi South. I notice that under the Labour Department Head, 17, some £23,000 it all that has been allocated. It may be sufficient—I doubt it, and I was very glad to hear the last speaker give an assurance that plans are being prepared for an enlargement of this, as I consider it, very important activity of Government. We were asked just now what we mean by a re-organization of the labour administration, and there are one or two suggestions that I should like to make. We have, in addition to the Labour Department—which is to some extent an inspectorate—a Labour Advisory Board, and that Labour Advisory Board is to my mind not constituted on anything like a high enough level. I am saying this without any attempt to belittle the gentlemen who are members of it, but do not think it is a high enough level, and I think there are too many subsidiary boards working separately from it. There is the Minimum Wages Board and, I understand, a Central Wages Board. Those two obviously should be incorporated in my mind in any Labour Advisory Board. My way of raising its status would be to suggest that at least two elected members from this side of Council were on it, and that there should be fairly close liaison with that board, and that the Labour sub-committee of the Agricultural Production and Settlement Board.

The duties of a Labour Advisory Board, as I see them, will be to advise Government on the general aspects of labour both in the interests of labour and in the interests of the employer, on labour legislation and, generally speaking, on the wider aspects of labour generally. Why I suggest retention of the sub-committee of the Production Board is because I would remind Government that there is another aspect to labour in which I, at any rate, am very much interested. That is the aspect of labour as viewed from the employer's point of view. Therefore, if the Agricultural Production and Settlement Board—Labour—Sub-committee—which I claim has already initiated quite a number of things which, possibly, should have been dealt with some time ago, views labour from the point of view of production and the employer—could work in harmony with the bigger board, between them they might very much improve the lay-out of labour administration in this country. Another point always stressed by the Labour, Sub-committee of the Agricultural Production and Settlement Board, with which, I think, most of us on this side of Council thoroughly agree, is that employers also have to play their part in controlling the rationing and in preventing wastage of labour. There is no doubt that labour has been wastefully utilized by employers, agricultural employers not the least, and that has got to be brought under control, and I am very pleased to note that the district councils are taking a very active part in this, and I hope we shall see a great improvement in this regard before very long.

The hon. member Mr. Mathu, and I think the hon. member Mr. Beecher, and quite a number of others, laid stress, and tremendous stress, on the aspect of increased social security, housing, and other amenities, food, and so on, for labour. I would be the last to deny the necessity for a considerable improvement in labour conditions. There is nothing very new about it. Twenty years ago, or very nearly, I myself ran quite a considerable labour force, and did provide them with a number of things which, in those days, were considered very advanced. But in those days I was never very short out of the boys who were getting those extra amenities. I would like—because I think we have got to pull both sides,

[Major Cavendish-Bentlick] whether they are popular or not—to strongly support the remarks made by the hon. Member for Trans Nzoia, that so far the most obvious result of paying higher wages and giving better conditions of labour is that we are getting less and less work from the labourers concerned. (Hear, hear.) It may be by education, it may be by propaganda, it may be by this or it may be by that, but we have got to face this position and, somehow or other, to try and improve it, because it is a complete waste of labour, when Government fell us to marvel at the huge numbers allowed to be out of the reserves—which I admit are fit—if those boys do about two hours work (or—your boys are lucky) and spend the rest of the afternoon stealing crops, fruit, and generally making conditions for the non-native producer, at any rate in this country, extremely difficult.

There is another point that has been raised, and one gentleman has loomed very large throughout these discussions in the last few days. That is the gentleman who figures in the Medical vote, Head 21, as an assistant bio-chemist. It has been suggested that in his case, as in the case of certain native employees of the same qualifications, employed by the Agricultural and Veterinary Departments, that the wages we give them are totally and utterly inadequate. I will agree that people who are qualified and who show they are of real use should be paid reasonably adequately, and I am quite prepared to support everything my colleagues have said as to general rates of wages, the top rate of wages, which should be given to such employees. But I think we have got to keep our feet on the ground in these matters, and remember there are probably three or four members sitting in this Council to-day who, after graduating at some college or university, had to do like an apprenticeship before they were considered worthy of a salary, and worked two, three or four years at wages somewhere in the neighbourhood of Sh. 25, 30 or 40 a week, and only after that were they worth something. I do not think we want to go too quickly into the suggestion that because a man calls himself this or that he is *ipso facto* worth a very large salary at once. I should like to support very strongly the hon. Director of Veterinary Services. One of the objects we have in training at our

expense natives—and I am only too glad we are doing that and will do all I can to increase it—one of the objects we have in view is to be able through the medium of the young men we train to carry out social services and develop the country at a cost the country can afford. After all these men receive their training at the expense of the State, and if immediately they are trained we are going to demand that they are immediately paid very high salaries, we are ourselves unduly limiting the amount of development we should be able to put into this country through that means. (Hear, hear.)

Before I leave this subject, social security was mentioned, and there was some talk—quite a lot of talk—about the necessity for providing adequate land in order to relieve the very over-populated native areas. I think there was some reference also to lice labourers who leave the reserves, and it was suggested I think by my hon. friend Mr. Beecher, that you cannot expect to take natives out of the reserves, or to push them out of the reserves, to work, or leave them working in the Highlands for long periods of time and then push them back into the reserves without making adequate provision. They would only find there is no land left, and their plight in old age might be considerable. I am not denying for one moment that there is a great deal in that contention, but I would mention that within my life and that of several of us here in this Council, we debated a very great length the Carter Commission Report—a Commission which sat for a very long period of time and whose report was supposed to put an end to these difficulties, at any rate within our lifetime, and I think in the report it was stated "for all time". And in our foolishness we really thought that these native land problems were more or less reasonably settled for quite a long time to come. Now already we find that they are not, and what is worse, we are told that we have lost in the last 10 years—the statement was made by the hon. Member for the Coast and confirmed by the hon. Director of Agriculture—as much as 50 per cent of the fertility of the soil in the native reserves. That is partly due to overcrowding, partly to bad farming methods, and partly to the fact that at the moment there is far too much stock in those reserves.

[Major Cavendish-Bentlick]

The reason why we are losing soil fertility, the reasons why we are being asked to provide more and more land, the reasons why we are told that if a man goes out to work, when he returns finds his land taken, should be pursued very much more meticulously than they are. I do not blame the Director of Agriculture; I think he has done everything humanly possible, but what I do blame—and blame very strongly indeed—is the Administration. It is they who are responsible for this state of affairs because they never would face up to it. Why do they not face up to it? May I explain the two main reasons. They have never dared to face up to land tenure problems; they allow the old tribal system to break down under new conditions and substitute nothing therefor; they allow sophisticated office boys in Nairobi to acquire the land that should be kept for the peasantry of this country; they will not face up to any proper land tenure system of administration suitable to the different tribes concerned. The result is that we have got up to 600 to 800 persons per square mile, only in some few reserve areas, not in all. Secondly, they have never dared face the stock problem. In the old days before we came here, before we had a very ably led department of Veterinary Services which has latterly prevented the previously normal huge mortality among native stock, the native stock did not increase to the extent they do now. Every Administrative officer must know that this utterly worthless stock are increasing by leaps and bounds under the native system at the present time. This was very adequately proved to my mind in yesterday's debate. I well remember that when the question of the Machakos Reserve, the Ukamba Reserve, was discussed and overstocking there, that the Kambari, were allowed to take a certain percentage of their stock on to the Yatta part of the world. There was one portion of the Yatta they had always been on, and there was another portion which was given out to them, supposedly under strict control, and a third portion was given to the Kikuyu. Let me stress the fact that the idea of giving them this extra land was to relieve the reserve itself by moving the surplus cattle on to the Yatta and the adjoining land. But

Government never thought of taking powers to deal with an increase of the permitted number of cattle and to insist that the surplus was to be disposed of, and only yesterday we were told that one of the solutions—not in connexion with this, but in connexion with a squatter stock problem—we were told that the solution was to step up the intake back into the native reserves. I ask you! What is the good of providing more land in order to relieve the stocking position in native reserves and allowing surplus stock to go on to relieve the stocking position in native reserves and then allow it to remain to increase the increase and then allow it to remain to increase the increase and then allow it to remain to increase the increase more the reserves to make the position there worse than it was before? It is fantastic, and yet people will not face up to it! The truth is that it is not a question of too much stock—I am merely backing up my hon. friend the Director of Veterinary Services—it is a question really of common or garden farming practice, and if we are going to teach the native to farm on European lines, as we are, we have got to teach him that cattle are not just currency; that it is no good keeping every sort of under-grade beast just because they want numbers; that they have got to keep only decent grade beasts in reasonable numbers in order to keep up the standard of farming. And until we face up to that and the Administration faces up to that, we shall always be in this mess, and the mess will get worse and worse every year until we are completely overwhelmed by it.

I have dealt with labour, and I should like to deal now with another matter altogether. I should like to touch on one or two subjects which I think should be particularly considered by Government in respect of this next year, which we hope will be partly a post-war year. One of the things I should like first of all to stress is the desirability of providing agricultural moneys for farmers at a reasonable rate of interest. (Hear, hear.) I think it is most important for the post-war development of this country that our Land Bank rate of interest should be reduced to something like 3 per cent or 3½ per cent, and that goes for settlements as well. We are an under-developed country. In order to develop the country people must be empowered to borrow moneys to put in their holdings at a rate of interest that they can

[Major Cavendish-Bentinck] pay, and they cannot do that at 6½ per cent. The difficulty which has faced us before when we have brought up this question, which of course is not a new one, has been that we have been told that the moneys that we originally borrowed in order to finance the Land Bank were borrowed at a very high rate of interest and that we have, therefore, got to make the Land Bank pay that rate of interest, plus its overhead expenses, plus service of the loan. Now I cannot see that at all. Admittedly this country borrowed money at 5 per cent or 6 per cent, and as a country we have got to pay 5 per cent or 5 per cent until we pay off the loan, there is no question about that. But when it comes to saying how we are going to utilize part of the proceeds of any loan locally, I maintain that it is a matter for this Council and not a matter on which we should be dictated to from overseas. If we consider it to be in the interests of this country—and I know it is—that we should pay some small subsidy towards the repayment of the interest on such moneys as were allocated to the Land Bank, we have, I maintain, every right to do so. This would enable the Land Bank to lend on good security at something like 3½ per cent. Incidentally I might say that the reduction of interest by each 1 per cent would at present cost the country about £6,400. We should take such steps as I have outlined in order to provide moneys at a reasonable rate of interest, and I am sure it would pay us far better in the long run than maintenance of the present high rates. I hope that matter will be pursued.

There is another point, rather similar, which I think Government has overlooked for many years past. They are not overlooking it to the same extent now, because the war has taught Government quite a lot of things about finance. I am going to refer to the provision of adequate equipment to enable this country to compete with other similar countries in its fundamental agricultural and other means of making revenue. It is no good our trying to export beef or pig products or butter unless we have adequate, not chipping but, where necessary, freezing equipment. It is no good farmers growing crops and if they get a good season finding there is nowhere to store these crops, and therefore they have to throw them on to the market at any

price the local gambling fraternity may wish to pay. I therefore suggest that it is the duty of Government to provide in this budget certain sums to show that they realize that, where equipment is necessary in this country to develop in competition with others, and to provide some small sum towards putting up that equipment, and for the overheads during the first year or two until it can pay for itself. Taking cold storage at the coast, I notice that Government's usual reaction to any proposal for reasonable equipment is always to try and make do with some Heath Robinson outfit they seem to think exists somewhere—penny wise and pound foolish. When this proves insufficient they suggest taking over a cold storage which was not built for the purposes of terminal cold storage, which cannot freeze—it can only chill—and is situated where you cannot get at it. Again, Government may save a little money by doing that, taking the short view but not the long view. However, with the help—and I pay full tribute to him—of the Economic Secretary we have arranged with the General Manager of the Railways, who has also been most helpful (applause), that we should get a guarantee from the industries concerned and put up an adequate cold store. I think, however, that Government should at least come in to the extent of one third or one quarter. I think they should show they are interested in developing the country on modern lines by undertaking to provide £1,000 a year for three years towards this cold store, and I think they should take a very active part in trying to find out what other equipment is really necessary for the development of this country.

That leads me to another form of storage, which is silo storage. I have been asked during the course of this debate what is the position about that. I will deal in a minute with the damage which may or may not have been caused by weevils and by holding grain in unsuitable localities, but in the meanwhile I must repeat what I said just now, that in the past in good years when there have been surpluses of cereals or beans or other crops—not necessarily produced by the European but also in many cases produced by the native—we have been unable to export that produce in a state which would enable it to

[Major Cavendish-Bentinck] compete with equivalent crops produced in other parts of the world, because we have not had the right equipment. Therefore we invited two experts to come out here—each representing a different firm—two of the best firms in the world—as to this type of storage—and we have had their reports and their estimates. At the moment those reports, and those estimates have been handed to Mr. Holden, of Unga, Ltd., for his comments, because he probably is the one man in this country who knows more about storage and the handling of cereals than anybody else, and we are awaiting his comments. As soon as we have had his comments there will be a meeting of those interested, and proposals will be put up to Government with regard to these stores. I may add that Government has in principle agreed to their erection if they can be justified and should very much like to have that confirmed during the course of this debate.

In connexion with silo storage and storage generally, the hon. Member for Trans Nzoia, I think it was, asked what was the food position and to what extent was damage being done in regard to our reserve stock, and what was the storage position. Taking first of all the reserve stocks position, as I do not think that I can give complete figures of our total food picture at the moment, that probably would be unwise. The actual number of bags of African foodstuffs only which are being held in reserve as at the end of last month, that is to say the position as it is to-day, is well over 750,000, considerably over that figure. This includes imported and local crops. In view of the magnitude of the quantity held in reserve I admit that it has been necessary to store foodstuffs in many places which are not ideal for the purpose; we must do that because there is no silo conditioning, so there is no means of dealing with stuff going wrong; besides, one naturally has to take into consideration the geographical position of the stores one utilizes. But arrangements have been made, as was explained by the hon. Director of Agriculture when he spoke for a complete turnover of the whole of this reserve stock every four to five months. Our maximum loss to date—and I may say this includes one or two very bad shipments—one very bad shipment—was 6 per cent, so that on a

200 lb. bag of maize taken from store up to five months after it was placed there it has lost 12 lb. only. This percentage is comparatively low, and indicates that up to now on the whole we have had no very large average loss from weevils. Pyrethrum powder is being used, and it is hoped very shortly to obtain chemical insecticides of a modern type for the purpose of preserving our grain stocks. We did have one very bad shipment which came in; the ship caught fire, I believe, three times, and the vessel took over seven months to come here, and in that seven months there was considerable weevil infestation. That shipment was put into consumption very quickly after it arrived.

It is necessary to stress that under this system of holding reserve stocks, the old stocks have got to be used before the new stocks. The old stocks held in store for five months are bound to deteriorate to a certain extent, but those stocks must be taken out and "replaced" by new stocks in order to keep the programme moving, and I repeat deterioration so far has on an average been less than 6 per cent. At the moment we are in some difficulty because there is a big excess intake over that planned for, and that is owing to the very large quantity of maize which is coming down from Uganda. I think I am right in saying that in September the estimates which we had were somewhere in the neighbourhood of 200,000 to 250,000 bags; in October they went up to 300,000, 350,000, and the last figure we got was in the neighbourhood of 500,000. So we were suddenly faced with double the quantity we had been told was coming, and it is not very easy to make plans on that basis. The first part of the Uganda crop, I am told by the Director of Produce Disposal, came down in very good shape, but the latter part came down damp and not in very good shape. A quantity of this has had to be released because we cannot store it, and distributed in certain native reserves where the black market has been rife and maize has been changing hands at about Sh. 80 a bag, and I sincerely hope this will have the effect of burning the fingers of some of these black marketers pretty severely.

That deals with reserve foodstuffs. Regarding storage generally, at the end of November the total storage capacity—

[Major Cavendish-Bentick]

I am talking now about Government storage capacity more or less on an East African basis—is 1,020,000 bags. I am not alluding to the total cereals pool but merely to what we can keep in stores. I am not going to give you the figures for the total pool because it would not be right to give them. At the moment we have in 894,000 bags; not of course all native foodstuffs but foodstuffs generally. As regards the balance between 894,000 and 1,020,000, it must be pointed out that 1,020,000 is the total capacity of the stores if they were full up. The position is that we cannot fill our stores brim full because we have to operate the continuous turnover, and the movement in and out of store is controlled by the number of trucks that can be supplied, by the amount of labour employed to handle the stuff, and the staff that can be provided by the military authorities in the case of stores which have been lent to us by the military authorities. We have also got to keep certain stores empty. I say "we"—I mean the Director of Produce Disposal largely, who has to keep certain stores empty awaiting new crop. For instance, the Broderick Falls stores have to be kept empty before the native maize crop begins to come in. With regard to old maize crop on farms, we can take any old maize crop that is offered. Regarding old wheat crop, we went into that very thoroughly, and we made a programme to remove all old crop what anywhere in the country by the second week in December. That has not quite come up to schedule, because we got notifications of wheat held on farms which differed considerably from the original notifications. I would like to say one more thing about storage. The Nakuru Production Committee and others, I believe, have alleged that storage space in mills is not being adequately utilized. The storage capacity in mills at the end of October, as far as we know it, was 180,000 bags, and on that date we had 181,000 bags stored at mills. I hear this capacity is being utilized up to the hilt. Lastly, I would say that during the course of the last year or 14 months, Government has built stores in various places which have a total capacity of 280,000 bags.

A third thing which I hope Government will consider giving to the farming industry is reasonable facilities with

regard to finance and reasonable equipment, which does not only apply to the farming industry but to any industries we may create in this country, so that the necessity of preventing a frightful slump immediately after the war is not lost sight of. I hope Government will realize that they must give some sort of stability to farmers, at any rate for a period of years after the war, in regard to prices. I am not suggesting that we should have exorbitant prices guaranteed at the expense of the State, but what I do suggest is that some reasonable stability be given the farming community for a period of years after the war as a matter of policy. That has been advocated by the hon. Member for Klambu and others, and I can assure you, sir, such a policy is absolutely supported by my board. We have taken certain steps in that direction, we have, as you know, sir, got stabilized prices for pyrethrum to the end of 1947; just recently we got a stabilized price for maize for 1945 and 1946 plantings; something on the same lines has been done for coffee, sisal, flax. I hope something may be found possible, although not at present price levels, for pig products, and I hope something may possibly be done for the dairy industry. But I would urge Government that it is very important indeed to see that we are not hit by some awful slump and that the stabilization basis we are on to-day is knocked away from under our feet.

Turning back to the building of stores, I also am going to add a word to what has already been said, probably from the point of view of hon. members opposite the *ad nauseum*, about the Public Works Department. Most of my stores were built by the Railway authorities, and I am most grateful, as I know is everybody concerned, with the way in which they have handled that job; the speed with which they did it, and the cheapness with which it was done. (Hear, hear.) But in contrast, and I am not blaming anybody in particular, we all know and have known for years past that when you try to get an urgent job done by the hon. Director of Public Works Department it is not done as a rush job and the expenditure incurred is usually fantastic. I do not know whether it is owing to some fault in the Department's accounting system or what it is, but I do hope that that matter will be carefully gone

[Major Cavendish-Bentick]

into by Government during the year. There also seems to be a disinclination on the part of the Department to use, as the hon. Commissioner for Lands and Settlement told us yesterday in another connection, semi-permanent materials, yet when they are building that which should be permanent, such as a road, they seem to be inclined not to spend as much money as they should. If you take the main road that goes up-country, up to Nakuru, that road has recently been rebuilt, it is supposed to be to a very high standard. No doubt the hon. Acting Chief Secretary can answer this on behalf of the hon. Director of Public Works, that the Department was quite clearly told, that when making a road over an embankment the tarmac blanket must be laid over the whole of the surface. But no, the Public Works Department knew better, and put the tarmac blanket over the least possible surface they could, with the result that the water sank in along both sides, pushed up the tarmac, and the road has gone. Whatever may be said, that road has gone, and within a very few months of being opened. Although it may be very tiresome and trying to hear one member after another get up and attack the Public Works Department, I trust Government will take this matter seriously and not as an ordinary joke, and go into the system both of accounting and of doing work adopted by that Department and the manner in which they put the work out to contract because, as the hon. Member for Nairobi South, said in his opening remarks, it is no good putting work out to contract if you give it out to the cheapest possible man. We must have good contractors in this country, properly equipped; by all means keep their prices down and inspect their work, but let us try and get a few decent contractors to come to this country to do our work at reasonable prices. (Hear, hear.)

The debate was adjourned.

ADJOURNMENT

Council adjourned till 9.30 a.m. on Friday, 1st December, 1944.

Friday, 1st December, 1944

Council assembled at the Memorial Hall, Nairobi, at 9.30 a.m. on Friday, 1st December, 1944. His Excellency the Acting Governor (Hon. G. M. Rennie, C.M.G. M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 30th November, 1944, were confirmed.

PAPERS LAID

The following paper was laid on the table:—

By Mr. MORTIMER:

Return of land grants, 1st July to 30th September, 1944.

ORDERS OF THE DAY

HIS EXCELLENCY: Before we resume the debate on the motion that the Draft Estimates for 1945 be referred to the Standing Finance Committee, with the leave of Council I propose to take the order standing in the name of the hon. Member for the Coast. I understand the hon. member would like to have this motion taken this morning, and with the leave of Council we shall proceed accordingly.

WELFARE AMENITIES FOR TROOPS IN BURMA

MR. COOKE: Your Excellency, I beg to move: That this Council is greatly perturbed by allegations which have appeared in the Press concerning the lack of welfare amenities for the troops in Burma, and strongly urges the Government to take the matter up with the appropriate authorities with a view to ameliorating the position at an early date.

This differs slightly in words from the original motion, but I understand that with Your Excellency's approval it will be allowed. I feel that this motion will receive the sympathy and support of both sides of this Council. It will be recalled that about a fortnight ago there appeared in the public Press certain allegations that the troops in Burma were not receiving the comforts which were sent them. These disclosures or allegations, call them what you will, caused a

(Mr. Cooke)

great deal of perturbation, not only among the relatives of the troops in Burma, but also among the general public who subscribed generously that those who were bearing the burden and heat of battle—and what a burden and heat it is! will be known of gentlemen in this Council who fought either in this or the last war in the forested jungles and swamps of East Africa—and conditions in Burma are probably incomparably worse. It will be said, as it is always said on these occasions, that the journal in question probably exaggerated. I do not personally think that a responsible journalist of a responsible paper would exaggerate over such a grave matter (hear, hear), and if he had done so I feel certain that he would be brought to book by the vigilant censors in the field. It may be said as well that conditions are probably improved by now and that it is not much crying over spilt milk. I have quoted before in this Council Mr. Churchill's pungent remark about the value of recriminations, and it is up to us to see that those conditions shall not have a chance of occurring again.

In this respect, sir, I would like to ask what the East African liaison officer has done in the matter of reporting on the welfare of the troops? That officer has been travelling over most of the habitable globe during the past two years, and no doubt—although, of course, it would be quite repugnant to his nature to do—has been furnishing lengthy documents, but I would like to ask whether he has reported to Government as to what the position is in regard to the welfare of the troops. I know he has done splendid work, but I feel that possibly he has been dominated by the blimpish type of officer one often finds not in the front line but considerably behind the line. I think it is not disputed that most of the comforts, at any rate, have reached Calcutta and have now reached a forward base, but it is the gap between the forward base and the front line that is so serious. I know, of course, that due to weather conditions it must be very difficult to carry any kind of goods by road, but surely the Dakota flying machines, which I understand are available—could carry enough cigarettes in one journey to last a whole division for a week; and I cannot conceive that it is beyond the transport facilities of the army to carry

such a load of comforts as cigarettes and things of that nature. It is not enough that the comforts should reach the base behind the front line, but they should reach the front line. During the last war I know a great many comforts did not reach the front line, and inquiry disclosed that there was a great leakage at the advanced base. Those leakages, I regret to say, very often occurred in the quartermaster's department. No one, from the time of Julius Caesar to the present time, has ever seen a quartermaster who is not sleek and fat—it may be only coincidence—so that whatever Government does it must ensure that there is no leakage, that these packages are not broached.

It has been said to me by one or two people in Nairobi that this is warfare and not welfare. That is one of those trite remarks which it is very difficult to answer at the time but, of course, the answer is that it is both warfare and welfare, and I do suggest, as I did to a soldier who said that to me, that if he really believed what he said let the warfare start in Nairobi among certain people at the base who receive all kinds of comforts from the N.A.A.F.I. and will probably never see the fighting line. (Hear, hear.) So that we should make every effort and, if necessary, sacrifice our comfort at this end in order that the people at the front may receive theirs. It has also been said that if we bring this matter too strongly to the attention of the military, they will become "difficult." I might use another epithet, a stronger one, but I would not like to hurt the susceptibilities of Your Excellency, but I do think it would be a great mistake not to bring the matter up strongly to the military because we are frightened they may become "difficult." Personally, I cannot imagine any real soldier-taking any exception. If any is taken at all, it would be taken by the semi-soldier whom we know as "blimps". I end on that plea, that Government make every effort to bring to those men at the front who are undergoing these terrific hardships all the comforts they possibly can. (Applause.)

MR. COULDRAY: Your Excellency, I beg to second this motion. I think the hon. member has covered the ground very well, and I do not propose to speak at any length in this matter. I cannot believe

(Mr. Couldney)

there is an hon. member in this Council on either side, or in fact any man in the country, who is not in sympathy with the purpose of the motion. I will therefore content myself with formally seconding it.

MR. BECHER: Your Excellency, on behalf of the African soldier who is so very largely affected by the circumstances which have been so lucidly placed before Council by the hon. Member for the Coast, I should like in this Council to thank him for having brought this motion before us, and to offer him the support that is only fitting in the circumstances. I do not propose to say very much more, except to add that I have formed the impression that welfare and comforts, particularly in the form of N.A.A.F.I. stuff, not only get into the hands of people who are not entitled to the use of that stuff but, as the hon. Member for the Coast indicated, military personnel and their families who are entitled to that stuff and who are in places no longer spheres of active warfare, are availing themselves of that entitlement to a degree detrimental to and jeopardizing the welfare of those in the forward areas. One could appeal to such people to forego some of these privileges in order that men of all races in the forward areas may be supplied in greater measure than they have been in the past. I support the motion.

ACTING CHIEF SECRETARY (Mr. Surridge): Your Excellency, in reply to the motion of the hon. Member for the Coast, with which, I am sure, all hon. members of this Council are in complete sympathy, I would say at once that Government accept this motion. (Applause.) On the 24th November, soon after I had seen the motion, I held a meeting at which Col. Rossiter, Deputy Director of Education and Welfare, East Africa Command; and representatives of the K.W.E.O. Comforts Depot, were present. I had invited the hon. Member for the Coast to be present also, but unfortunately he, like so many others, had another meeting and could not manage it. As a result of this meeting, I am in a position to record briefly what has already been done to provide amenities for the troops serving in Burma and to state what steps are being taken to improve welfare facilities for East African units in the

South-East Asia Command. Hon. members will appreciate that it would not be in the public interest for me to comment at the present time on every aspect of the problem of providing welfare amenities for East African troops in Burma, but I am able to give some facts to illustrate what has been done for them there by the people responsible in East Africa.

Two, if not three, mobile canteens, well stocked with requirements of soldiers in the field, are in commission and cater for the needs of the East African Division. In addition, funds have been provided for the purchase of a variety of articles sold to the troops at cost price. African troops in Burma have their own newspapers, and copies of *Heshima* are sent regularly by the Director of Education and Welfare, East Africa Command. Here in East Africa the regulations regarding the re-export of imported articles have been relaxed, and parcels containing imported articles may now, subject to certain conditions, be posted to Burma. The K.W.E.O. Comforts Depot have despatched 14 large varieties of goods since April, including three million cigarettes, 7,000 lb. of coffee, 4,000 lb. of jams, etc., 1,277 lb. of Christmas puddings, 8,000 lb. of suuff, 12,000 lb. of sweets, 3,500 lb. of tobacco, writing materials, over 5,000 glory bags, and £190 for the purchase of sugar, and arrangements are being made by the Deputy Director of Welfare for the supply of wireless sets, gramophones, and gramophone records. I see in to-day's East African Standard that further supplies of these latter are required, and that an appeal has been made to the East African public which, I am sure, will be met in the usual generous fashion. Hon. members may not be aware that at present a total sum of £22,500 is provided annually by the East African Governments, Northern Rhodesia and Nyasaland, for the welfare of their troops in all theatres of war, including S.E.A.C. and if more money for this purpose is required I know that any appeal to this Government for additional funds will be sympathetically considered by the Standing Finance Committee, to whom I mentioned the matter the other day. (Hear, hear.)

The two main difficulties are the conditions under which our men are fighting

[Mr. Surridge]

fully aware of that. I am by no means averse on the contrary—to more land being alienated where really necessary to natives for their requirements, but the point I tried to make was that when such land is given out the control exercised by the Administration should be far, sterner and far more effective than it has ever been hitherto.

Yesterday, when we adjourned, I was still saying something about the Public Works Department, and only have one thing to add which they do, and that is once again to plead that when public buildings such as post offices and so on are erected in centres, more especially Nairobi, which I have the honour to represent, I do hope proper facilities will be given to enable people to transact business in reasonable comfort. I know I shall be accused of bringing up a racial subject; it is nothing of the kind, but it seems to me only commonsense that when a design for a new post office is made provision should be made for a counter or entrance where all the office boys of the town can go and send telegrams and so on on behalf of their masters or employers, and there should be some more reasonable facilities for other persons who wish to send telegrams and transact normal business in a post office. The conditions in the Nairobi Post Office to-day are a crying disgrace, and reflect no credit whatever on the country when viewed by the people who come here on visits from overseas.

MR. COOKE: I thank Your Excellency for accepting my motion, and have nothing further to say.

The question was put and carried.

DRAFT ESTIMATES, 1945 REFERENCE TO STANDING FINANCE COMMITTEE.

The debate was resumed.

MAJOR CAVENDISH-BENTINCK: Your Excellency, as my remarks were interrupted by the interval yesterday and I am resuming this morning, I should like to take advantage of that circumstance in order to make one small point of explanation. My attention has been drawn to the fact that I did not make it clear in certain remarks which I made yesterday on the subject of providing further land for native occupation, that there were areas of land demarcated by the Carter Commission which were earmarked for occupation as and when required by any race. Of course, I am

fully aware of that. I am by no means averse on the contrary—to more land being alienated where really necessary to natives for their requirements, but the point I tried to make was that when such land is given out the control exercised by the Administration should be far, sterner and far more effective than it has ever been hitherto.

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I wish to touch on one or two matters connected with the Department of Agriculture, Head 4 of the estimates, and I should like to preface any remarks which I have to make by supporting the hon. Member for Rift Valley and others who have spoken in paying tribute not only to the Department but to the Director himself, who I am sorry to see is absent to-day, in respect of the work he has done on the locust campaign. It is not only Kenya that owes him a debt of gratitude but the whole of East Africa, because I have some inside knowledge of the enormous amount of work he has personally undertaken in this regard.

Item 4 of Head 4 of the Agricultural Department Estimates refers to an assistant for the Director of Agriculture, and that has already been mentioned during the debate, an assistant at the

[Major Cavendish-Bentinck]

rate of £400 per annum. I trust that when the Standing Finance Committee discusses this item it will consult with the Director and see whether an appointment on that salary scale is really going to be of any use to him, because I say here and now that it is not. The Director, what with his locust work, which is very considerable, and other work, and the fact that his deputy has had to be taken away and given another job temporarily, does in my opinion require an assistant of a much higher order than £400 a year indicates, and I think that matter may be reviewed when the Standing Finance Committee meets. While I am on the subject of salaries of the Agricultural Department and the Veterinary Department, two departments with which I have had a great deal to do in the last few years, I cannot let the matter go without referring to some of the scales, more especially of those locally engaged, which are in my opinion quite insufficient. I do hope that matter will be carefully considered by Government in the course of this year. Some of the officers who are bearing very heavy responsibility in the native reserves and elsewhere are on scales of salary not much exceeding £400 a year, and that, I think, is quite wrong. If you take into consideration the responsibility some of these officers are shouldering and the experience some of these officers have had, it seems most unfair.

Another point which I think requires attention is the matter of promotions in these technical departments. Speaking subject to correction, I understand that if a man is fit to be promoted, for instance, to be a senior agricultural officer, he can only reach that grade provided he fills a certain post. That does not work out very equitably. There are certain agricultural officers—I am mentioning agricultural officers, as I say, I have had a good deal to do with it—who have done an outstanding job of work in, for instance, the settled areas, and the same might apply to native areas, and because that man is so good and because he has made himself indispensable, when an opportunity for promotion occurs he cannot let that man go, and therefore it seems that under the present system another man supersedes him and takes the job which carries with it the emoluments of a senior agricultural officer.

I think that is most unfair, and I think if what I say is true, the system should be changed in fairness to the people concerned.

Lastly, on this particular subject is the question of transportation. In the past these officers have bought their own cars, with Government assistance in some cases, and they receive mileage allowances. During the war these officers have had to travel far greater distances than they used to do in the past, and quite naturally their cars are completely worn out. It is very difficult for them to buy another car, and even if they can it is probably a second-hand car at a very exorbitant price and a car which it is rather unkind to require an officer to purchase. I would again stress that some of these officers are on very low rates of salary—say £400 to £450 a year—and they may be married, and to expect them to buy a new car at to-day's prices is to buy a new car at iniquitous prices (hear, hear). I consider Government should, in every case where the Director of the Department concerned shows that there is good cause, provide these officers with an O.H.M.S. car, at any rate for the remainder of the war and for some time after. I hope the Standing Finance Committee will go into that matter also.

Before leaving this Department I should like to make certain remarks which, perhaps, are not quite so complimentary. I know it is not the fault of the Director, but I should like very much to back up what was said by the hon. Member for Rift Valley in criticizing lack of research. I think we are years behind the times in the matter of research, especially agricultural research in this country. The question of pasture research has been adequately dealt with by my hon. friend the member about Rift Valley; I need say no more about that, but it is odd, sir, that when you ask as a layman quite simple questions, such as "Can you suggest a suitable rotation which might be introduced in a certain area?" you will find that the Agricultural Department, which should by this time surely have gone into this matter in considerable detail and for many years, can give you no answer. I do hope that the minute the war is over and the minute we can get suitable people, either to train or be trained, Government will not be niggardly but will spend considerable

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Before I leave this subject of research, I have been asked to remind Government of a question which was put to them by the hon. Member for Trans Nzoia, and to ask for a full reply in the course of this debate to his question, which was:—If and when does Government intend to appoint the present Director of Veterinary Services as head of the East African Veterinary Research Institution proposed by the Colonial Office a year ago or more? I know that deals with an East-African problem, but, at any rate, speaking from the Kenya point of view—perhaps from the personal point of view as well—I can say that our veterinary research is miles ahead, in my opinion, of our agricultural research. We are lucky in having in this country an outstanding individual in the world of veterinary research (Applause), and I sincerely hope that when we have the Veterinary Research Institution man will be at the head of it. (Applause.)

The hon. Member for the Coast asked certain questions about what was being done, presumably by the Agricultural Production and Settlement Board and others, in respect of encouraging farmers who receive any form of assistance to keep their land in good heart. I will try to allude to that briefly in order to reply to his questions. Before doing so I should like to touch on one or two matters concerned therewith, but also touching on soil conservation. The Soil Conservation Service is, I know, starved of machinery and starved of men, and quite rightly many members have criticized that, but I would, if I may, also criticize the Soil Conservation Service from this angle:—that in wartime everybody—every farmer, every producer, every manufacturer—has had to do the best he can with the implements that can be made available, and I find that this particular service apparently cannot do much except with the perfect implement, and the perfect implement unfortunately unobtainable during the war is a large tractor of the R.D.8 type. I do hope that when the Standing Finance Committee goes into the possibilities of assisting this service, which we are all most anxious to do on this side of the Council, they

might also go into the possibility of people having to make do with what is available and not always crying out for the best.

Another point which I wish to make about the Soil Conservation Service is on the subject of contour terracing, the mechanical side of soil conservation, and that is, that I hope that when we can improve our facilities and when we can provide this service with adequate machinery and men, more attention will be paid to doing contour terracing and so on over a whole area, and in accordance with a proper survey of the proper water run-off and so on, regardless of ownership of the land; and not the piecemeal work which is going on now, farm by farm at the wishes of the individual owners. (Hear, hear.) It is utterly unscientific and the proper way to do it is on a country-wide, or at any rate, an area-wide basis. Soil conservation as we hear of it in this Council very often has, I think, too much stress put on the mechanical side, the engineering side, but there are a great many other things that should be done besides contour terracing. Once again I must attack the Administration on their lack of supervision and lack of authority, in the native reserves. For years past we have been told that something is going to be done to prevent cultivation on slopes of one in three and one in four, but I travel about the country a great deal, and every time I go to places I have not been to for a year or a few months I find new land being broken under such conditions, and I can see no attempt being made to stop it. We have only to remember when the land between Kabete and the Escarpment was given to the Kikuyu for grazing. Well, look at it now. It was given out for grazing, but immediately the whole was cultivated, and some of the land is most unsuitable for crops, yet they are trying to cultivate and trying to grow maize on the top of the escarpment, but I do not suppose they get a harvest once in four years because the frost kills the maize.

Having pointed out that mechanical means of soil conservation are not the only means of effecting improvement, which was the point the hon. Member for the Coast wanted to stress, I will try and explain the policy of the Production Board in this matter. The hon. member

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said he hoped we would enforce application of fertilizers when we were giving out any form of assistance. Of course, the hon. member is aware that application of chemical fertilizers to land has the effect of stimulating root growth, but in the long run takes more out of the land than anything else. I take it he was really referring to organic manures, farm-yard manures, and so on? (Mr. COOKE: Yes.) Well, I am trying to answer the question. We have endeavoured to encourage good farming practice by giving assistance in this direction. I admit, and I think those who know more about the subject than myself on this side of Council would admit, that generally speaking this country is rather behind in this matter. We are also apt to grow the same crop year after year, and as I said before the question of suitable rotation does not seem to have been very carefully investigated. Furthermore it must be remembered that in certain areas it is very hard to know what rotations might be put in. For instance, take the Plateau area, it will grow wheat, it is difficult to say it will grow maize, and we have not yet found a very satisfactory grass for that area. But what we are doing is we are giving assistance to those who plant green manure crops, and we have suggested to Government assistance be given in the form of breaking grants for land to take the place of arable land which is being put under grass ley with improved planted grass; we are going to suggest further assistance and encouragement for making compost and the application of boma manure; and the board has seriously discussed the possibility of even having some form of control to prevent farmers growing white straw crops year after year on the same land. (Hear, hear.) I can assure hon. members and all members of this Council that my board is fully alive to this problem, and is doing everything it possibly can to overcome it. I believe that as a result of our efforts it will be found that farming practice in this country has quite considerably improved during the last few years. (Hear, hear.)

Finally, when these various proposals do come before Government and do come before my Standing Finance Committee, they may entail the provision of money, and I would ask that these requests will be treated with sympathy,

because they are not in the nature of requests for more jam for the farmer, but they are, I assure you, in the nature of a measure of self preservation insofar as the land of our country is concerned.

The hon. Member for Mombasa referred to the statistical department, and he deplored that that department was no longer in existence. I notice that under Head 37, Subventions, the provision of £4,000 is made for the Kenya contribution towards the East African Statistical Department. Some reference is made to it on page 31 of the memorandum. On page 148 of the estimates, which is Appendix B, you will find in the Agricultural Production Board section is also provision for a statistician. I would like to support the hon. Member for the Coast in what he said about the desirability of compiling and getting proper statistics. One of the main troubles we had when war broke out in solving the various difficulties which arose as a result of the war, was a complete lack of knowledge from a statistical point of view of what had happened in the country in the past. Statistics have been kept in various departments, but were never co-ordinated, and most of them were very inaccurate. Now, as a result of the war, a great deal done by various Controls, etc., we are in the position of being asked to compile statistics which if not allowed to lapse, will in future prove of inestimable value in formulating plans for the development of this country, and I do hope that Government will not be stingy in any expenditure necessary. As a board, with the help of the Agricultural Department and the help of the K.F.A., we are compiling all our records in such a form that they can be run through by means of Hollerith machines by the Statistical Department, and I hope other Government departments will take the same step.

We have had a very long debate and, curiously enough, I think that one of the subjects which has not been discussed is one most important matter, and that is post-war settlement. I think the reason for that is that members on this side, who attach the greatest importance to a proper post-war plan, are aware that a post-war settlement scheme sub-committee has been sitting and that their report is now in the hands of the printer.

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I hope that a copy of that report will, in the next week or so, be in the hands of every member of the Council for their information. The report is, of course, one made to the Settlement Board, and will be considered in due course by Government, but I would point out that in this year's estimates, as far as I can see, no provision whatever has been made for settlement beyond the £750 provided under Head 18A. A stranger coming into this country and seeing our budget, and realizing that we were talking a lot about settlement, might think that odd. I may be wrong, but I could not find any other provision. If that is so, I trust it is so only because Government realizes fully that when they have seen the settlement schemes and have approved them the sum required will be very great indeed, and no doubt they will deal with the provision of the money in some other way; so that this is merely an entry in the budget. I would like to assure hon. members that our ideas as regards settlement are that it is not fair or right to encourage people with very little knowledge and very little capital to come into this country, buy land, and try to luck their, here, and that if we are going to have a settlement scheme at all it has got to be on such lines that those who take advantage of it are given the best possible chance in life of making good, and more especially does that apply to those who fought for us during this war. The Egerton School referred to by members on this side will play a part in that settlement scheme, and I sincerely hope that provision is being made in the estimates to get rid of the school there now in order to prepare this Egerton School for its proper role which is now not far distant.

In connection with the Egerton School I might refer to bursaries, because one of our recommendations in the Settlement Scheme Sub-committee report is that all ex-servicemen, if approved, should be given bursaries at the Egerton School, but I have been asked by my colleagues on this side of Council to refer to bursaries and to ask for an increased provision in the estimates. I understand that—I have been on the bursaries committee myself for some years, but I am not a member now—recently one or two cases came up and Government were a little niggardly about granting them

because of some top level figure of expenditure. If the case is a good one, I do not think there should be a top level figure of expenditure.

I have only one or two small points left. It is rather difficult to pick-up the threads at the end of a very long debate, and I hope Council will bear with me. I have also been asked by my colleagues on this side since they spoke to remind Government that we want a reply about the points raised in regard to the Economic Secretary and the duties of the present Economic Secretary. The main point at issue is that members on this side, as they have already said, feel that we want a very high-level person indeed to come out here, if only temporarily, in order to advise us on these matters. But I would like to deal with the duties of our present Economic Secretary, who is going to speak in a moment. I have the highest regard for him, as have all of us on this side of Council, and for that reason I should like to say that I think Government is overloading the man (hear, hear) in trying to make him do all sorts of detail work quite outside the province of what I understand by an Economic Secretary. For instance, if one wants to re-design a building at Njoro for the Agricultural Department, the Economic Secretary has to be present; soil conservation in native reserves, he has to be present; if it is anything to do with trade, the Economic Secretary has to be present. No man can do everything, and I suggest that if you are going to make him do masses of detail work you will lose the value of the gentleman whom you are lucky enough to have for that job at the present time. It has been pointed out to me that what we meant by a man from overseas was, of course, an "economic adviser".

Margarine—jumping from one thing to another (laughter)—was recently advertised by the Commodity Distribution Board, and I would like to know where that margarine is made and how much of it there is, because I was under the impression—and I think I should know if anyone does—that at any rate for the time being we have no plant in this country capable of making margarine in the true sense of the term. We can solidify vegetable fats, and we may do that on a larger scale. I am talking now of experiments being made—but to suddenly see margarine advertised as a substitute

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for butter by the Commodity Distribution Board came as a slight shock, both to myself and to some of my colleagues on this side. Jumping from margarine to margarine, the hon. member Mr. Pitam put up a case for the Indian cane growers in the Kisumu district, and also mentioned jagree prices. Well, sir, the Indian cane growers have come under the aegis of the Agricultural Production and Settlement Board, and I would say, and would give an assurance to the hon. member, that their case is certainly being carefully looked into at the present time. They have formed their own production sub-committee, and I would say that it is extraordinarily well run. They have been kept under cane, because we had hoped to keep a fairly large factory which takes their cane crushing. In the event of that factory closing down, we may have to assist them to some extent to turn over to another crop. Also I believe that we shall have to do something about jagree prices, because the present jagree being produced is of very poor quality, chiefly because the price is too low. If we can increase the quality of the jagree and use some of this cane in the manufacture of decent jagree, I think it will be to the advantage of everybody concerned.

The hon. member Mr. Beecher asked Government not to be too great a hurry about the introduction of the Co-operative Societies Bill. This is not the time to discuss that Bill, which came up in this debate as a sort of panacea for all ills and would create a new world in the native reserves. That may or may not be so, but I strongly support the plea of the hon. member that Government should not hasten this too rapidly, because it brings in matters of principle which will require very careful consideration. My last point, which may sound a little irrelevant, is under Head 36, the little irrelevant, is under Head 36, the expenses of this Council. I wish to make this point, which I have made before, that I think, and trust that when Sir Philip Mitchell arrives as our new Governor the question of the Presidency of this Council will be considered. To my mind the existing system is utterly wrong, and we have long outgrown the stage where the Governor sits at a table with four or five nominated members of Legislative Council to discuss the affairs of State, and at the stage we have now

reached I think it is not only a waste of the Governor's time to sit here but both unfair on the Governor and unfair on the representatives of the people who are sent here. (Hear, hear.) One has to criticize, and one does want to criticize freely without feeling one is criticizing the King's representative (hear, hear), and therefore I do hope the question of the possibility of having a Speaker in this Council will be gone into, because I am sure we have reached the stage when that is desirable.

Lastly, I would just like to say that I have in my too long speech rather kept to matters affecting Europeans. I have done so deliberately, not with a view to introducing racial questions, but with a view to try and bring the various aspects of the problems we have to deal with to of a proper focus in this Council. I am one of the oldest members here, and I think on any night this debate has shown that we all the representatives of all races, on this and on the other side of Council, are alive to the tremendous difficulties we are going to meet after the war is over, that we are trying to be constructive, and trying to work together. (Applause.)

Mr. FONTER SUTTON: Sir, one of the first points raised by the hon. Member for Nairobi South was the question: What is Government doing as regards plans for post-war rehabilitation of those persons now serving in the Services? The point was also raised by the hon. members Mr. Beecher and Mr. Mbu. Both of those members said they had received and were still receiving letters from Africans now serving in the Forces, in which they expressed considerable indignation as to what was to happen to them when they came back home after this war is concluded. The hon. members Mr. Patel and Mr. Thakore also raised the question in so far as it affects Asians, and the point has been touched upon by a number of other members. I am sure that Government is extremely glad that some very pointed questions have been put, because, that hon. members of this Council and the public of this country and those persons who have given their services to their country in the war are entitled to know if Government is taking the matter seriously and what is being done. Before going into

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 details. I should like to say that I was rather surprised when the hon. member Mr. Beecher said that he had been round various offices and had asked what was being done and had come to the conclusion that nothing was happening—

MR. BEECHER: On a point of explanation, that is a misconception of my remarks.

MR. FOSTER SUTTON: I understood he stated he was unable to obtain any satisfactory information, but whatever he wished to convey it struck me. It might have been due to the fact that he did not find the right offices, because they are rather difficult to discover. The staff of the Civil Reabsorption Board at the moment are housed on the third floor of the Secretariat building. If you stumble or climb up three flights of stairs and hand round the inside verandah, you will find something that looks rather like a pea on a drum built in the centre of the courtyard, a small hut—and that is where the present offices are. They are difficult to find, and I thought the hon. member would like to know where they are, if he does not know already. Before attempting to go up and have a look at those offices, it might be as well if he telephoned to find out if anybody else happened to be in them, because when he attempted to go into the entrance he would find there is barely enough room for a person of ample size to walk into it, and he would find it difficult to get into one of the offices unless it was occupied only by its normal occupant. Well, sir, the board at its first meeting after its appointment took this matter up, and made representations to Government that it was essential to have offices in a fairly central position readily accessible to the persons who it was intended they should serve, and it necessarily followed that they should be somewhat closer to the ground. I must say that Government readily accepted the Board's views and has already approved of the erection of suitable offices in a more central position. These are going to be, when they are started, situated in Lugard Avenue, not very far away from the Secretariat building. They have not yet been started. I am not blaming anybody for that, because I know that the question of obtaining

personnel is difficult and also that the Public Works Department are very heavily engaged, but I would urge that those buildings be placed very high on the priority list because if they are not it seems to me that the war will be over before they are ready for use. (Hear, hear.)

After the appointment of the Reabsorption Board, at its first meeting—and as a matter of fact, in fairness to those who were handling the matter before, the point had already been considered and the necessary machinery had been put in motion—it was perfectly obvious to everybody that it was useless to start to plan for the reabsorption of personnel until we knew what our problem was. Nobody, even at this stage, believes that it is going to be possible to ascertain with any degree of exactness exactly the problem which we have to face, but it is obviously necessary, as has been pointed out by the hon. Member for Nairobi South, it is obviously essential to find out what persons now serving in the Forces have in mind to do when they are released from military service. That question had already been taken up by the Government many months ago, and suitable forms containing a number of questions were sent out. I might say that the form is a simple form; it is not an elaborate document, and for the convenience of this Council I yesterday handed to the Clerk to Council a number of the different forms which I am going to refer to. There are three open for inspection and if any hon. member has any suggestion to make about them we shall be only too happy to receive it. Those forms, many thousands of them, were sent out to all Europeans, both men and women, and to all Asians, and they were asked and urged to fill them up because of the necessity of Government obtaining that information from them. In response to those forms we have received back from Europeans 2,091 from the men; only 40 from the ladies; and 608 from Asians. I think it only fair to state that there are a number of Asians serving in the Forces and there are, as hon. members of this Council know, a very large number, hundreds of them, serving in the military forces in reserved occupations. The Board regards the response from the troops serving as not entirely satisfactory. The military authorities have been approached and they have

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 been most helpful. They have published, and are continuing to publish, in orders and are continuing to publish, in orders and they are encouraging by propaganda to encourage the persons serving to fill them in and return them, and I hope that by degrees we shall eventually get the information required about each person serving.

The question of finding out what the African soldier wishes to do is not so simple. We have consulted numbers of different people who are better able to express an opinion than certainly I am, and the general consensus of opinion appears to be that the adoption of the same procedure for the African as that adopted for the European would not be satisfactory; it would not achieve the desired result and, in any event, the information would be so vague as to be of little or no use. The military authorities have been approached, and the present idea—and I understand they are getting on with it now—is that the African soldier should be approached collectively. The idea is to do it by means of propaganda talks, and they are going to try and find out and get a general cross-sectional view of what the African thinks now he wishes to do when he returns home. In addition to that, in order to try and get a little more of the personal touch, every single man who is discharged—a number of them on medical and other grounds—every single man is interviewed and asked what he wishes to do. The experience up to date is that most of them say they wish to go back to their reserve. I think possibly Council will agree that that is probably what most of them will wish to do when they are demobilized. They may have a gratuity, they may have accumulated a certain amount of credits, and they will wish in the first instance, not unwise naturally, to go home. They may stay home for some months, and by degrees undoubtedly a large number of them will turn round and start thinking about doing something, probably in connexion with the trade, that so many of them have been trained in while they were serving in the Army. To meet that position Government proposes to set up employment bureaux on simple lines, and the policy is that the men, once they have got back to their reserves, will be

encouraged, if and when they feel they want to do some other form of employment, to go to their district commissioners, who will obtain all the necessary information from them, and through the employment bureaux it is hoped that we will be able to place them in satisfactory employment. I will give you some facts later upon which I rely to justify that statement.

In addition to that, it is proposed to set up a centre where all men trained in the various trades during their service in the Army will be able to be tested to find out whether they are suitable, whether their training in the Army fits them for the particular civil job that they are wanted for. You will appreciate that the Army standards—and I hope this will be taken in the sense in which it is said—may not be the same as those demanded by commercial firms. They have various grades. As we all know, they have Grade I, Grade II and Grade III. A Grade I tradesman is probably a first class tradesman in that particular type of work; but he may not be exactly suitable for employment in that particular class of work in a civilian firm. The Director of Training, Mr. Williams, has ever since he came here, been busily engaged in investigating the possibility of setting up training centres and making plans to assist those soldiers who require further training. Hon. members will appreciate that he is up against an extremely difficult job. It is difficult to plan now because there is no personnel. I heard the hon. member Mr. Beecher saying he is tired of this business about bodies, but it is a fact. If there is no body you cannot produce it. It is all very well to say you are tired of hearing of it. I personally am myself, but I have a good deal to do with it, and I find it extremely difficult to produce a body when it is not there. He may be able to let me into the secret. (MR. COOPER: Transfer them!) That, of course, is a possibility which is not overlooked, but it is not easy, especially if they happen to be in a reserved occupation. I say this without offence, sir. It is obvious that the Director of Training is up against a difficult task, and it is also obvious that he can only succeed in effective planning with the assistance and co-operation of the military authorities. We feel that if the post-war training is to be effective, if we are going to be able to get it started

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as soon as the troops start coming back, it is essential for us to be in a position to take over certain of the Army training centres that are now in existence, and not only the centres but the buildings and such of the staff as are prepared to remain. (Hear, hear.) I believe it is suggested that the military authorities have not been as helpful in connexion with Mr. Williams and his work as they might have been. That I do not know. The hon. Economic Secretary is in a better position to deal with it than I am, but I must say this, that I intended myself to pay tribute to the military authorities for the splendid co-operation that the Civil Reabsorption Board has had in all its contacts with them. They have been one hundred per cent helpful, and if there is to be any criticism of them over any other matter, I must say I think they are entitled to that degree of praise. We have only had to approach them and they have come forward with useful and helpful suggestions, and I think they have genuinely tried to give effect to any promise they have made.

As I say, successful planning, so far as the post-war training of the African is concerned, almost entirely, I think it is better to be frank, it is better that everybody should understand what the position is, almost entirely depends on the full co-operation of the military authorities and the willingness of the military personnel to stay on and help us with the job. I may say, if hon. members get the idea while I am speaking on this matter, that there is any complacency so far as my Board is concerned or Government is concerned, I should like to disabuse your minds. There is no complacency. It is a big job and a job that the country is entitled to expect to be done properly. The Government and the Board are out to receive every help any person in this country is prepared to give. If anybody has any suggestions, constructive suggestions, we are only too happy to receive them.

In connexion with these employment bureaux, Government has already indicated that it is prepared to give free rail transport to Africans who come from their reserves to take up employment, and Government I know is out to give every possible help that it can. One of the difficulties about post-war training is, of course, accommodation. We all know

the housing scarcity is most acute. In order to try and meet this position the military authorities have already been approached with the object of our taking over temporary military camps, at present in existence, as early as possible, so that we can fit them to receive the trainees when they arrive. All that is in hand and the hon. Economic Secretary is busy on it, and so is the Director of Training. I do hope that the idea will not get abroad that nothing is being done. I know there is a tremendous amount more that has to be done, but the matter is being taken seriously and an effort is being made, although it is rather like building a house without bricks.

Another point I intended to mention was that in respect of the forms which were sent out to Europeans in the Forces, we have had a reasonable response from the men, but for some unknown reason the ladies have been most difficult. They appear to dislike filling in forms. Most of us do, I think, but they particularly seem to dislike it. So we have little or no information about them.

MRS. WATKINS: On a point of explanation, I think the forms have not got through to most of the young women I know; they have never heard of them.

MR. FOSTER-SUTTON: We cannot really control that; they were sent out and we have had an undertaking that they would be handed to the persons concerned. It may be that the people spoken of by my hon. friend are recent entrants to the service; I do not know. Anyway to get over one part of the difficulty Government has recently appointed a lady whose job it is to go round and interview all the women in the Services in Kenya. She is starting on the women serving in the Forces in Kenya; she is then going to tackle all the F.C.E.s—that is, the female civilian employees—working in the Services in Kenya, and then she is going round to tackle all the women serving in reserved occupations with Government and firms doing work of national importance. We hope in that way to cover the whole field.

MRS. WATKINS: On a point of explanation—

HIS EXCELLENCY: I have allowed the hon. member to raise on one point of explanation, which was not a point of

[H.E. the Governor] cannot allow her to continue the practice indefinitely.

MR. FOSTER-SUTTON: Well, sir, we hope by that means to find out exactly what the women who are in Kenya wish to do. Regarding women serving overseas, we shall try again and get the help of the Service authorities to ensure that we do get the forms to those women and that they answer them. That is only one side of the picture. It is obvious that it is no good finding out what the persons serving wish to do unless we find out whether there are any jobs in which we can place them. It is obvious that it is essential to find out how many Government departments can absorb and how many the commercial community and farmers can absorb, and in an endeavour to obtain that information the officers of the Board have sent out 4,000 forms to different undertakings—Government, commercial, and farmers—through the medium of the wireless, the hon. Economic and Development Secretary made a personal appeal, and notices were put in the Press, and in every way we have been able to think of the persons concerned have been asked to fill in the forms in order that we can complete our information. The response, I am bound to say and it is right to say so here, because it may help the situation, has been most disappointing. We have had back from those 4,000 employers of labour in this Colony 375, of which 153 were nil returns from Asiatics and from African employers none (of course, there are fewer of them). I mention those figures, because hon. members will see that there are over 3,500 more to come in, and they have been out now for weeks. If I may be forgiven for a little plain talk, I think it is not very much credit to us.

We all agree that everything possible should be done to help those persons who have offered their services to their country. Many, as we know, are fighting in the front line in Burma. I think every one of us, certainly in this Council, and certainly the whole country, will agree that everything possible should be done. The Government is so often blamed for everything that goes wrong. Very often the persons who blame them are perfectly right, but in this particular in-

stance it is impossible for Government effectively to plan unless it has the full co-operation of the public. (Mr. Cooke: Make it compulsory.) That is an idea, but I do not think we want that. It would be an unfortunate thing, surely. I was going to ask hon. members on both sides of Council if, at the conclusion of this budget session, when they get back to their various districts, they would help the board by doing everything in the way of propaganda to try and persuade employers to fill in the forms and let us have them back as soon as possible. It is vital that we should have them as early as possible. Hon. members can appreciate the fact that, so far as the Director of Training is concerned, it is extraordinarily difficult for him to make any really concrete plans unless he knows what his problem is. On the one hand we want to know how many require training, and on the other hand it is also essential to know whether they are worth while training, whether there is a job for them and then it is no good training men unless there is a job for them, and that is where employers come in, so that I would ask hon. members to use their utmost endeavours in persuading people in their own areas to play up and help us by sending in these forms which they have had for some considerable time. There is an excuse made by certain commercial firms, they say "How on earth can we fill in a form setting out what our post-war requirements are going to be if we do not know when we shall be able to get materials and supplies on which our planning depends?" I know that is an excuse used. I have often heard it said that Government is to blame because they are not in a position to give more exact information, but I do not see how Government can possibly help except to say that firms embarking on development schemes will get certain priorities. That is where Government can help, but I cannot see what else they can do, because most of the materials required are not manufactured here; they have to be brought from abroad. That is one excuse, and we all appreciate it is a difficulty, but all we ask (for it is some approximate figure: "If you get those materials and supplies, what percentage will you need?" That is all we ask for, and surely it ought to be possible to give us some approximate idea. We do not expect exact figures. This Council

[Mr. Foster Sutton] might be interested to know that, in spite of the small number of returns which have come in, we have already been informed that Government departments, commercial firms and farmers, if they could get them, can now absorb well over 1,000 Europeans. 312 Asians (remember the small number of firms we have had back from Asian firms), nearly 2,000 African artisans, and many thousands of labourers, so that it does rather look as if there is not going to be much difficulty about absorbing the troops when they come home. I think it is going to be difficult to supply the bodies, I doubt if they will come in quick enough to meet the demand. But, as I say, please do not get the idea that there is any complacency, because that is not my position. We have to plan as if the supply would be greater than the demand.

I think that covers the point raised by the hon. Member for Nairobi South. The hon. member Mr. Patel asked what was going to be done for Asians working in reserved occupations, and said they should either be found employment or facilities should be made available for them to return to India. We all know that many hundreds of Asians were brought here from India at the request of the Service authorities for the express purpose of filling up gaps in their establishments. The Reabsorption Board have already had the matter under consideration and shortly hope to make recommendations to Government which, I hope, will meet the position. The hon. member Mr. Thakore said he thought one Asian and one African should be immediately appointed to assist the chief reabsorption officer in his work. I will place that before the Board at its next meeting. At the moment, however, I can not see the necessity for it. While we are planning and are not actually handling personnel, I think it would really be an idle thing to do. As soon as the troops start coming back and it is a question of handling personnel, it may well become necessary, and the point he has made will certainly not be lost sight of. At the moment, I cannot see any good purpose would be served by doing so. The hon. Member for Nairobi South referred to the shortage of African power. We all know it is acute, most acute. I heard the other day of the head of one firm in

Nairobi who is compelled, though an extremely busy man, to do his own typing. We know the shortage is acute. I am going to leave the answering of that question to the hon. Acting Chief Secretary, because the question of the entry of women into this territory is dealt with by him. The hon. member also mentioned the question of bursaries for persons now serving. I am happy to be able to assure him that the matter is now being looked into and plans are being made. The plans of all other countries such as the United Kingdom and South Africa are being examined, and the Economic Secretary and Director of Training are at the present time engaged on preparing a scheme for the consideration of the board. If it hoped it will be ready shortly, when no doubt it will be submitted to Government for its consideration.

I think I have covered all the points dealing with reabsorption. As I have said, we are trying to get on with the job, and if anybody has any suggestions that they think might be helpful all I can say is "For heaven's sake come along and let us have them." I said I had completed the question of reabsorption, but there is one point in connexion with it which was raised by the hon. members Mr. Patel and Mr. Thakore to which I should refer. They said that at the present time certain British subjects were being displaced from reserved occupations with the Services in favour of employing foreigners; to put it bluntly, what they had in mind was the employment of what are variously called co-belligerents and co-operators (MAJOR CAVENDISH-BENTLEY: Enemy aliens.) I have personally got another word for them! (Laughter.) My attention was drawn to it by the hon. member Mr. Thakore because he came across the case of a man—as you know, he looks after the employment and various other matters connected with Asians—with the following certificate: "The above-mentioned Asian casual has been employed in this Department since the 16th March, 1944. During that time his work has been most satisfactory." Then it goes on to say, "He is a willing and conscientious workman and is being discharged on account of his work now being performed by an Italian co-operator." When I heard of that case I immediately asked for the original of the

[Mr. Foster Sutton] I have it here; it is what document and I have it here; it is what I have been reading from. Naturally it is a thing that the Government would not tolerate under any circumstances. (Applause.) I immediately took the matter up on behalf of Government on the highest possible level. I asked first of all, what the policy of the War Department was, because I expressed the view that it would be most unfortunate if people who had been serving in the war effort—British subjects—were displaced by Italian co-operators, or indeed by any other foreigner, and I stated that if that was the policy it was the Government's intention to take the matter up on the highest level. I am glad to say that it is not the policy of the War Department to employ co-operators in place of British subjects. If I may be pardoned for reading a document, signed by the Brigadier in charge of Administration, East Africa Command, he says: "It is most decidedly not the policy of the War Department to replace Asians in favour of Italian co-operators and I have to thank you for bringing this matter so promptly to the notice of this Headquarters. The circumstances under which the document was issued to Babu Ram is now the subject of a thorough inquiry, but preliminary investigations have already produced the following salient facts. Babu Ram was employed by the Army as a signwriter and was discharged solely on the grounds of there being insufficient work on his department to merit his retention. So far from his being replaced by an Italian co-operator, at the time Babu Ram was discharged an Italian co-operator was returned to his prisoner of war camp for exactly the same reason. The document which was given to Babu Ram was not a discharge certificate, but a testimonial which is entirely unauthorized, in addition to its being a gross mis-statement of fact." The hon. Mr. Thakore has discussed the matter with me on several occasions, and there is proof that this sort of thing is not an isolated case. All I can do is to assure Council that such a procedure is not the policy of the War Department and that the Government will carefully watch the situation and if we come across any future cases we shall take immediate action on the matter. (Hear, hear.)

Passing on to one or two other points which have been made, the hon. member

Mr. Beecher expressed the hope that Government would not introduce the Co-operative Societies Bill until hon. members of this Council have had an opportunity of studying the report of the expert who is now here, Mr. Campbell, and the hon. Member for Nairobi South mentioned the matter in his speech this morning. Government hope to be able to lay the report referred to on the table of this Council in the near future. Every endeavour will be made to do so, but there is another angle of the matter which I think is fairly cogent, and that is that Government is anxious, if possible, to introduce the Bill during the presence in this Colony of Mr. Campbell. I think his presence here is well used on any points that might arise would be of inestimable value. (Hear, hear.) His Excellency has already asked the gentleman in question to defer his departure until some time in the middle of January, and it is hoped Government will be able to lay his report and give hon. members an opportunity of studying it before they are asked to consider the bill. That is the policy Government hopes to be able to pursue, and it would be departed from if for any unforeseen reason the report is not available in time.

The hon. member Mr. Puroo referred to an answer that was given by the hon. Financial Secretary to a question he had put regarding the return of premises to a tenant who was in occupation of those premises prior to their requisition. A reply was given which I thought might well call for some protest: that it was not Government's intention, as at present advised, to alter the existing legal position. The position is not without difficulty, as there are two persons to be considered, the tenant and the landlord. They both have rights. People are so often, I think, inclined to think only of one individual. The Rent Restriction Ordinance prevents a tenant in occupation of premises from being ejected and prevents him from an order being made for him to remove himself from the premises, providing he keeps the covenants of his lease and providing the premises are not urgently needed for other purposes. I have had a certain of these cases. I know every case one can find that has come before the courts of the United Kingdom, some of them

[Mr. Foster Sutton] most amazing. It is very difficult to say, unless one has all the facts before one, whether a tenant is entitled upon the de-requisitioning of the premises to have them handed back to him. My personal view is that we should leave the matter where it is and let each case be decided on its merits and on the legal rights of the parties; that is to say, the tenant and landlord. It is not possible for the tenant to protect his position. I am perfectly prepared, if the hon. member who raised the matter wishes to discuss it in more detail, I should be pleased to do so.

The hon. Member for Mombasa urged that watchers should be appointed in an endeavour to check the presence of dangerous driving which exists all over the country, and he complained particularly of the driving in Mombasa. I have discussed the position with the Commissioner of Police, and he points out that before a person receives a certificate of competency he is put through a very rigid test, both as to driving and as to signals. (I personally was not put through one; I don't know why.) I think the general rule is that you are put through a very rigid test, but if you are not it means you have driven previously and probably have been given a licence from some other country, or something of the sort. At the present time, he states, and I think he is right, that the suggestion that there should be an annual driving test for every driver in the country is impracticable. They have not got the staff. It is something we might think of after the war when we have more personnel available, but at the moment it would be impracticable. Furthermore, I should like to point out that any member of the public has the right to prosecute anybody for dangerous driving. All that is necessary is to get the number of the car and, if you can stop the driver, take his licence number too; if not, get the number of the vehicle and report it to the police. Any member of the public can do that. (Mr. Nicoll: Very difficult with military vehicles.) I know that there is difficulty over military vehicles. Of course, their drivers are not tested by the civilian authorities, and the military numbers are extremely difficult to read. But I do not think that even African watchers would cure that, because you have to stop the vehicle to find out who is driving it. (A MEMBER: The numbers

on military vehicles are very confusing. That is a matter that might be taken up with the War Department. Elsewhere where I have been the matter has been taken up with the military authorities and, by reason of the civil Government's representations some simplified system of numbering, has been introduced. (Mr. Nicoll: I should like that done.) It has been done, but in a very large Command like this it may not be so easy. The matter will, however, be taken up and we will find out whether it is possible to adopt a more simple system of numbering. I think if members of the general public would take action it might, help without the appointment of watchers. Generally, people are averse from taking action because it means all the trouble of going to court, giving evidence and so on, and they are not prepared to do it. That really is the answer to it. I think if the public took the matter seriously and took it in hand we could very soon stop it, certainly among the drivers of civilian vehicles.

The hon. Member for the Coast raised the question of segregating habitual criminals, and suggested they should be isolated in some far distant place. That is a matter, I think, needs very careful consideration. In countries where the procedure exists the practice is to charge him with being a habitual criminal. The matter is then inquired into by the court which can impose a certain period of preventative detention, and after the accused person has served any period of imprisonment which he has been sentenced to for another offence he serves his preventative detention. It is a matter that needs very careful consideration, and I have no doubt Government will look into the matter and see if it is a practicable proposition. The tendency now is to endeavour to cure such people by educational means. That may apply in some countries, but it may well be an impossible task in a country such as this.

The last point I have to deal with is the question raised by the hon. members Mr. Patel, Mr. Thakore and Mr. Shamsud-Deen. They have complained that this system of entry permits under the Defence (Admission of Male Persons) Regulations—which incidentally applies to all races—has worked considerable hardship on the Indian community. The hon. member Mr. Patel preface his remarks by looking across at me and

[Mr. Foster Sutton] saying he thought that what he was about to say might cause offence in some quarters, and I think he had in mind myself. I can assure him that I do not mind criticism. I think my colleagues on this side should not be too thin skinned. I think good, constructive criticism is extremely useful, it helps us with our jobs, and keeps us on our toes, and so far as legislation is concerned I can assure hon. members on both sides that they can be as critical as they like, because by constructive criticism you get better work and by it improve our legislation which, in my humble opinion, at the moment leaves a lot of room for improvement. (Hear, hear.) I hope it will not be taken that I am introducing any feeling of acrimony or anything of that kind into this debate, but I must say in answering the hon. members Mr. Patel and Mr. Thakore whom I am sorry is not here to hear what I have to say—that both know exactly what the position is, and I am going to give Council the details of it in a moment. We all remember the debate in this Council after the regulations had been introduced. They were introduced for two main purposes: one, because of the then difficulty of food; and two, because of the acute housing shortage. It was feared that we were going to have a very large intake of immigrants and that we should have to protect ourselves against the sort of conditions that the hon. member Mr. Shamsud-Deen described to us yesterday that are appertaining in India. I do not know what he wants, whether he wants us to admit hundreds of thousands of people here and create the same deplorable conditions here as he was picturing for us in existence in India to-day.

Certainly it would be fair to say that the food situation has considerably eased, but nobody in his right senses, I venture to think, could possibly suggest that the housing situation has changed in the slightest degree. It is becoming more and more acute as the days go by. Both hon. members mentioned the acute shortage of housing for Asians. What are we going to do? Do we wish to add to that situation, or is it not right to protect ourselves against it? Is it not in the interests of the whole community if we are going to do that? Is it not in these congested conditions? I think this Council is entitled to know how these regulations

have been administered. Government gave in that debate an undertaking, I was authorized by the then hon. Governor, Sir Henry Moore, to give it, that they would not be used kept out genuine residents. By that we mean persons who are ordinarily resident in this Colony. Under the regulations, hon. members will be aware that a person only absent for two years does not require an entry permit at all, but can come in without one; but persons absent for longer periods we have allowed them to come in, however long away, within reason. We have tried to cover the cases of all those Indians, many of whom were encouraged to leave this Colony and go to India when the thought of invasion was possible. Many have been away ever since. Numbers of them were literally unable to return by reason of the shipping and other difficulties. In administering the regulations every endeavour has been made to prevent the creation of any hardship, I myself, because I have been responsible for giving the undertaking that they would not be used, I have had taken over that work. I have had during the last few months with approximately 1,000 applications, and an application does not only involve one person but probably anything up to six or ten, because it involves the family. Each one of these applications, except for a very few, I have personally scrutinized and caused inquiries to be made, and have recommended when the person has been a genuine resident that an entry permit should be granted to him.

I now issue a challenge to any hon. member of this Council to produce any case where a genuine resident has been refused re-admission to this Colony. It is all very well to talk glibly about to matter, but we have got to get down to tin snacks, but if there is a genuine case I invite hon. members to draw my attention to it. I have had my attention drawn to certain ones, and each one has been recalled by me. A mistake arose because, at the beginning of the regulations, I was given a personal assurance by the police officials who handle the matter and have the final word, that no recommendation by the Director of Man Power would be turned down without referring the case back. It so happened that there was a change of personnel, one of them was dealing with it, went on leave, and apparently the position was not made clear by him to his successor, and to my

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and foolish thing to do. Surely it is the duty of Government, whatever people may say, to adopt the policy of charity beginning at home and looking after our own people who are genuine residents first; and so far as I am concerned, while doing the job that is the policy I propose to pursue.

The hon. member Mr. Patel also said that movement through these East African territories should be free. Arrangements have been made—he may not be aware—with other territories. There is an existing arrangement whereby business men have freedom of movement. If there is any restriction of that movement, Government will take immediate steps to put the matter right if any case can be shown to exist. But, insofar as the immigration into this Colony of persons from other territories is concerned, I do not agree there should be absolute freedom of movement. I think that while present conditions exist there should be control, because, as I venture to submit with all sincerity, it is in the interests of everybody in this Colony that there should be some restriction. It was argued during the last debate—I was not as familiar with the situation as I am now—that the number of persons coming in was counterbalanced by the number going out. All I say is that that is not the case. My experience is that most people who go out wish to return, that is my experience, and I have had literally hundreds of applications from people who are ordinarily resident but who were away for a number of years, and there are very large numbers of them returning or wish to return, so that the idea that the regulations were useless because the people coming in were counterbalanced by those going out is fallacious. It is not the case in my opinion. If you allow a person in it does not mean one, but from one to ten. In connexion with these applications, it was rather interesting to me to notice a short article that appeared in the *Tribune* of Lahore, because apparently some people in India sympathize with the policy that we adopted here. The article said: "We do not want to embarrass the East African Governments by flooding their countries with an useless population. Hence there should not be much difficulty in finding a solution satisfactory both to the East African Governments and the

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Indian interests". I venture to think that the way our regulations are working is a satisfactory solution. They create no hardship and, as I have said, if any case is created, if an hon. member will draw my attention to it, I will make it my business to see the matter is put right. I might add that I was surprised when the hon. member Mr. Thakore raised the question. He was kind enough when speaking to say the matter had been put right to some extent since it had been referred to me, but I seem to recollect his informing me not very many weeks ago that the regulations were working very smoothly and satisfactorily.

My attention has been drawn to the fact that I have omitted to mention the question of the infliction of heavier penalties by the courts when dealing with motor car offences. I apologize about that. As the hon. Member for Mombasa will agree, the Administration cannot interfere with the Judiciary in the administration of justice. If there are any glaring examples and he would draw my attention to them, I am quite certain that His Excellency the Governor will take such steps as are open to us to draw the attention of the head of the Judiciary to them.

Mr. TROUGHTON (Economic and Development Secretary): Your Excellency, the hon. member for Nairobi South, inquired what was the nature of the duties I have to perform. That question I shall leave to the hon. Acting Chief Secretary, but it may be that the hon. member will be able to glean something of their nature from the remarks which I shall make this morning. I should also like to take this opportunity of thanking hon. members opposite for the very kind personal references which they have made to myself. The hon. Member for Rift Valley, and other hon. members following him, have suggested the appointment, if only for a period, of an economic adviser, who should be a person of distinction in the academic economic sphere, and also a person of wide experience. I have Your Excellency's authority to say that that suggestion will be discussed by you and Sir Philip Mitchell when he arrives (hear, hear), more particularly as Sir Philip is known to be keenly interested in economic matters. For myself, I would only say this:

that the problems which we have to deal with and with which we will have to deal in the post-war years, seem to me to be so serious that we need the best advice we can get. As to how far a person without direct contact with the Government can contribute to that is a matter of opinion, and I am not going to express an opinion.

The hon. Member for Nairobi South drew attention to a phrase in Your Excellency's Communication from the Chair when you were referring to the new Planning Committee which it is hoped will set up shortly, and you said that much preliminary work had been done. The hon. member asked what preliminary work had been done, apart from the plans already published. Your Excellency, I understand, had very largely in mind the plans already published and approved, but in addition to that something more, in fact, has been done. In the first place, we have prepared a scheme for a geological survey of a southern half of the Colony over a period of five years, at a cost of £50,000. After all that we know of the population, I think debate about over population, I think the hon. members who would find out the first importance that we should find out all we can about our mineral resources without avoidable delay. This scheme has been sent from home, and we have heard that the Secretary of State is tremendously impressed with the necessity of providing as early as possible after the war for a geological survey not only of the Kenya but of the other territories in the Empire whose mineral resources are not fully known or not fully explored. An organization to deal with the whole of Kenya on an Empire-wide basis is being set up in London. In the second place, as with the Northern Frontier and Turkana Districts are concerned, a comprehensive plan for the development of water supplies has been drawn up to try and make these areas, shall I say, less uneconomic propositions than they are at present, but I do not believe they will ever be really economic assets of the country unless we find out or something of that sort, but it will certainly be possible to make them less uneconomic than they are now. A scheme for these areas has been prepared by a distinguished hydrographic engineer who visited this country for the purpose. That will be placed before the planning committee. Thirdly,

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As hon. members will know from this document regarding the preparation of development plans, Heads of Departments have had to prepare plans showing their ideas on broad lines, as to the future developments in their respective spheres, and these plans are being considered now provincially, and the whole boiling will come up to the Planning Committee in due course. The Planning Committee, therefore, will have an absolute mass of material with which to deal when it is appointed, and, quite frankly, I do not envy it its task. I might mention also that I myself have personally, in connexion with this planning, visited most districts in the Colony and have discussed various local problems with the local planning committees and with administrative officers. They are all thinking hard and doing a great deal of work, which is as it should be.

The hon. Member for Nairobi South inquired as to what the object in all this was. I think myself that the object can be stated fairly clearly and simply, and that is to try and get the real income of this country—and by the real income I mean all money in it—up to the maximum possible level, and, as the hon. Member for Nyanza showed very lucidly yesterday, an increase in real income is bound to lead to an increase in taxable capacity. (Laughter.) It is quite obvious that if social services are to be developed and if large sums are to be spent on the general economic development of the country, that can only be justified if we hope to get a return in due course. Otherwise we might as well write the country off. The hon. Member for Nairobi South also inquired as to the virtue of planning for five years, and the hon. Member for Rift Valley referred to that period with particular reference to the Forest Department. It might, perhaps, be sufficient answer to say that the history of Soviet Russia has shown that five-year plans can produce remarkable results, but there is, I think, a further reason. I think in planning we have got to keep the distant objective in view. We have to have in the back of our mind some idea—it may be a hazy one—as to what the Colony will be like in, say, 40 or 50 years time, but with that in the back of our minds over a five-year period we can plan in detail, or in some detail, for

the progress which we hope to make during that period. If you take a period of 10 years, conditions change, and you frankly cannot plan in detail, but over a five-year period you can make some attempt to plan in detail. I hope we will be able to tick off the various things we have planned for one by one, and before the end of the five-year period prepare and have ready a plan for the next five years, and so on. There must be continuous evolution in the business.

The hon. Member for Nairobi South also stressed the importance of the elected members being associated with the execution of plans, when approved. I am entirely with him there, but I do not quite agree with him as to the reason. The main reason, he urged, if I understood him aright, was the necessity of preventing waste. I should prefer to put it in another way, and that is I do think that it is of the very first importance that the elected members and the Government should be in full partnership over the development of this country. (Applause.) The problems with which we have to deal are serious, how serious many of us do not realize at the moment, and we need the best advice we can get in coping with them. Mistakes will be made, they are bound to be made, but the more people there are to tender wise advice on the basis of long experience of this country, fewer mistakes and more progress will be made.

While on the subject of planning, I should like to make a few observations on the remarks made by the hon. Member for Rift Valley in the first part of his speech the other day. He struck me in that part of his speech as somewhat resembling the stage Irishman who does not know what he wants and will fight like blazes till he gets it, and I am afraid he showed also that he really had not studied the published documents on the subject. He argued that planning was being carried out by people whose minds were saturated with caution and pessimism and fear and all the rest of it, and cited three examples. I should like to say a word or two about each of them. The first criticism was in respect of the soil conservation scheme. The hon. member pointed out that the expenditure proposed in native areas was about one per cent of the Colony's annual expenditure. If the hon. member had studied this thing carefully he would

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have noticed—I do not want to worry hon. members with many figures, but there are a few I must give—the annual cost of the staff was £42,000 and the cost of the labour £3,000. That would suggest that the hon. Director of Agriculture was proposing to employ a sort of South American army consisting of all generals and practically no privates, but the clue would be found on the previous page of the memorandum, which states: "The real requirements to improve the position and stabilize the land of Kenya are a correct survey of the position in each area, an ordered direction of the way in which the work should be done and the backing and labour of the people." It is thus clear that my hon. friend the Director contemplated the employment of communal labour. He proposes in the scheme the appointment of 72 assistant soil conservation officers—I am afraid I have got to worry Council again with a little mathematics—72 soil conservation officers. Now I do not know how many labour one soil conservation officer, assisted by five African assistants, can supervise, but I think—and other people have supported me in this—that 400 is about right. If these 72 soil conservation officers are each employing 400 communal labourers, that means that a total number of about 28,000 labourers are employed on any one day. Under the ordinance which deals with communal labour, which deals with communal labour, communal labour can only work six days a quarter, so that therefore to keep the work going throughout a quarter on that scale, you would need something over 400,000 labourers. The point I want to make is this: that the Director of Agriculture's scheme does provide for labour being employed on soil conservation works in native areas to that extent, without a single extra penny being voted, and if the hon. member thinks that that is inadequate well, all I can say is I do not share his opinion. But I should like to say this, that I know it seems to the hon. Chief Native Commissioner very doubtful whether communal labour on a scale of this sort can in fact be employed; doubtful whether it would be practicable to employ it on a scale of this sort, and it may be necessary to take other steps; but the point I want to make is that my hon. friend the Director

envisaged communal labour, and that his plans involved the use of communal labour on a scale at least comparable with that which I have indicated, and as I say again, if the hon. member thinks that is inadequate well, I do not agree.

Secondly, in regard to water supplies, the hon. member referred to the plan in regard to water supplies, and he said that it did not appear to show any realistic approach to the problem; at least he implied that. The hon. Director of Public Works in this plan did not pretend to be doing more than making an approach to the problem, because before you can really do very much surveys are necessary. That is quite clear from the document which has been published, which says: "This application comprises a number of schemes that are urgently required in order to afford much-needed improvement in the water supply conditions of the Colony. Although the necessity for this work it well established it is not yet possible to submit detailed proposals covering all areas, since the staff to carry out all the surveys necessary has not been available. In view of the urgency of the matter, however, it has seemed preferable to put forward the proposals in their present form rather than to wait until after the end of the war for the results of detailed surveys. This application is in respect of assistance required in the post-war period when staff and materials will be available. It should be understood that the present scheme marks the beginning only of the comprehensive programme that it will be necessary to complete before water supplies on an adequate scale can be provided for the Colony as a whole." The fact is that in that application the hon. Director of Public Works was merely asking for some money to be going on with, so that something could happen, so that we should not have to wait for something to happen until comprehensive hydrographic surveys could be undertaken. I know as well as the hon. member—or at least very nearly—that water supplies must play a tremendously important part in the future development of this Colony. They are absolutely vital, and it is important that we should get the surveys going at the earliest possible moment, and know where we stand, but at the same time we should not sit down and do nothing until the surveys are completed. The proposals

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of the hon. Director of Public Works in this regard provide not only for surveys to get going, but for something to happen immediately the surveys show that it is possible for something to happen. I think that scheme represents as far as we can well go at the moment.

Thirdly, forests. I do sympathise with the hon. member in his diligent search for a forest five-year plan, but if he had got into contact with me he would have found that no such plan had been published—I did not say exist, but had not been published. He could have found that out without taking the trouble of getting into contact with me, by reading this document which has been published, this document on the preparation of development plans. In paragraph 10 it says that "action should be taken by the following departments to prepare plans", and one of them is the Forestry Department, and in this document the Forestry Department were enjoined to prepare their plan and to submit it for examination to the Provincial Administration with a view to its ultimate collation in the Colony's plan in whatever form might finally be decided on. That document should have shown the hon. member that no such plan was likely to have been published. In point of fact, the department has prepared a five-year plan under this circular which will come up before the Planning Committee in due course. I might tell the hon. member that I shall have more to say about the Forestry Department later on.

I think the remarks I have made will show that the hon. member has not studied the published documents on the subject particularly carefully, but at the same time, having cracked at him in that fashion, I should like to say that we want his help—I in particular want his help—and if at any time there is any matter connected with planning on which he wants information and does not know where to look for it, I would ask him not to hunt through all his papers to see if he has it, but to get in touch with me and I will be able to give him the reference right away. The hon. member asked me a straight question also about planning, and that was whether the Director of Agriculture, the Director of Public Works and the Conservator of Forests had got round a table to prepare a plan. I shall give him a crooked

answer, the answer is "No" and "Yes". It is perfectly true that the three hon. members did not sit round a table and hatched a plan together, but it is also true that all three hon. members are members of a committee—rather a vocal committee, as a matter of fact—called the Land and Water Conservation Committee, and on that committee these matters are discussed. In point of fact the Director of Agriculture's soil conservation plan was discussed and approved by that committee, which included the Director of Public Works and the Conservator of Forests. Similarly, the Director of Public Works' plan for hydrographic surveys was endorsed by that committee, which included the Director of Agriculture. So, therefore, there should have been some measure of co-ordination. As a matter of fact, I have had the advantage, which the hon. Member for Rift Valley has not, of reading and studying all three plans, and I must say to a layman I notice no particular lack of co-ordination, but even if there is, that lack will certainly be remedied because those plans are now being discussed by the provincial administration with district departmental officers, and they will eventually come before the Planning Committee which it is Your Excellency's intention to appoint, and which will in fact be appointed very shortly. It follows therefore that any lack of co-ordination will be dealt with most fully. Having dealt with the three examples the hon. member gave of the half-heartedness and saturation with fear permeating our planners, I would like to mention that the plans that I have gone home were endorsed by the Standing Finance Committee and by the Governor in Executive Council, and while it may be that there may be some people whose minds are saturated with fear on these bodies, at least they made a careful study of the papers put before them.

I return after that digression at the expense of the hon. Member for Rift Valley to the speech of the hon. Member for Nairobi South. He asked certain points regarding reabsorption and the training of both Europeans and Africans, and with most of this the hon. and learned Attorney General, as chairman of the Civil Reabsorption Board, has dealt. There are, however, one or two on which I have got some observations to make. In the first place, the hon. mem-

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ber asked what was being done regarding blind Africans, and he had in mind Africans blinded as the result of wounds received in this war. The answer is this: that we have selected a site and voted funds for the construction of a school for the blind at Thika, which will hold 100 Africans. The school will be run on behalf of Government by the Salvation Army. We are fortunate to have in this country a lady, Mrs. Barrell, of the Salvation Army, who has had the advantage of training in this highly specialized task of teaching the blind, and I am very glad to have this opportunity of publicly expressing the appreciation of the Government to the Salvation Army for the manner, the public spirited manner, in which they have undertaken this appallingly difficult but important task, a task which conforms with the highest traditions of that army. (Applause.) As regards disabled Africans, as hon. members know we have a rehabilitation centre, which is run by the Medical Department, and I think that hon. members would learn by them by going and inspecting that I and I have the authority of the hon. Acting Director of Medical Services to say that, if any member of the Council or, for that matter, anyone else, wishes to go over the matter, and gets in touch with him, he will be only too pleased to make the necessary arrangements. The institution as it stands is not, in my opinion, adequate to meet the needs that it may have to deal with, particularly as it is an institution which, if not itself on an East African basis, we hope will be able to cater for disabled people from other territories. That institution will need expansion, and provision will be made for the expansion of it, will be possible before the Standing Finance Committee in connexion with the estimates which we are now discussing.

The hon. Member for Nairobi South also referred, as did the hon. and learned Attorney General, to the question of Europeans who had been caught by the war in 1939 at a time when they were just leaving school or were beginning their careers, and whose vocational training had been interrupted. That is a matter that the Director of Training, and I have in hand. The Director of Training has approached all the schools and has

got lists of all the people in question from the schools. He is writing to each person concerned individually to ascertain his wishes, and we are preparing for consideration a bursary scheme to enable these cases to be dealt with. We do recognize that it is an obligation on the general taxpayers to do what they can to put right the gap caused in the life of the man, or woman for that matter, by the war. (Hear, hear.) A particular aspect of this question of vocational training is vocational training in agriculture, and the hon. Director of Agriculture has said something on it, and has pointed out certain difficulties regarding the Egerton School of Agriculture. I have little to add to what he said, but I should like to say two things. In the first place, it is quite clear that we must make arrangements to remove the secondary school which is the one now in order that the Egerton school may fill its proper role as a centre of vocational training in agriculture. The hon. Director of Agriculture is considering what he can do with that school. The second point is this, that the hon. Director of Agriculture indicated that there would be difficulty in providing the necessary accommodation. I do not believe myself that it will be necessary to provide accommodation at the Egerton School immediately after the war for anything in the order of 300, but I do feel that there should by any chance be a small gap between demand and supplies of accommodation. It will be possible for the farm pupil system to do something to bridge the gap, and I understand the Settlement Scheme Sub-committee of the Agricultural Production and Settlement Board are making recommendations on those lines. While on this subject, the hon. Member for Nairobi North mentioned that it was rather curious to find me at a meeting to dispose of a certain building at Njoro. It was at my own request that I was there, and the Egerton thing could be done to free the Egerton School for its proper purpose, vocational training in agriculture.

The hon. Attorney General referred to the necessity for full co-operation with the Director of Training and with Government departments and with military authorities. I have very little to add to what he so eloquently said. The Director is obtaining the fullest co-operation from all Government departments, and as

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regards military authorities, we are making demands on them which are in the nature of full orders, and the military authorities are giving very sympathetic consideration to the requests put forward by the Director of Training and myself. I can assure hon. members that if there should be— which there has not up to now—any sign of real lack of co-operation, we will not hesitate to make representations on the highest possible level. The hon. member Mr. Beecher asked for some information regarding how it was proposed to spend next year's £100,000 increase in the estimates on account of demobilization. It is probably easier to answer in the Standing Finance Committee, but I might as well mention now for the benefit of hon. members generally that there are several things: the blind school at Thika, extensions to the rehabilitation centre, which I have mentioned; there are also extensions being built at the African hospitals all over the place to receive disabled soldiers who require further hospital treatment after leaving the army. There is going to be very heavy expenditure on training, there is no doubt that there is, but we are not in a position at the moment to give any estimate as to what it will be. The Director of Training's plans have not yet reached maturity and, not only that, we do not know when the flood of people requiring training is going to begin.

The hon. Member for Nairobi South referred to the question of cold storage, and he said that it was the view of elected members that this cold storage should be operated by the Production Board and not by the Railway Administration. (Hear, hear.) The hon. Director of Agriculture made the alternative suggestion that it should be operated by his department. I am strongly opposed to both suggestions, and that for several reasons. In the first place, if we were to buy back that store when created from the Railway Administration at a cost of £40,000, it would reduce by that amount the money that we would have available to spend on urgent developmental projects, and I do not see why we should. It seems to me a very good thing to find the hon. General Manager of the Railways investing £40,000 of his reserves in a project which is vital to the development of the pig and dairy industries.

Apart from that, the store will be geographically situated in the port area and it is convenient for administrative purposes that it should be operated by the Railway. We must recognize that this cold storage and its administration is vital to the producers of this country, both dairy and pig industries, and I have the authority of the hon. General Manager to say that he will sympathetically consider any representations which he may get from the Production Board, Government, or indeed anyone else, and I can assure hon. members that when the General Manager says anything, he gives consideration he means something. (A member: Hurray!) He does. (Laughter.) In connexion with that particular store, the hon. Member for Nairobi North was good enough to mention the part that I had played in the final negotiations. He carefully omitted to mention the very great amount of spade work he himself had carried out. But I would like to pay a tribute, and to join hon. members' tributes, to the hon. General Manager who, in this case, showed both sympathy and decision, and I can assure hon. members that if he had not no order would have been placed to-day. Both the dairy and pig industries are under a real debt of gratitude to him, and they ought to acknowledge it.

The hon. Member for Nairobi South asked what was the position regarding the perpetuation of the Industrial Research Board in time of peace. The position is this: that plans have been produced by the Board for its organization on a permanent peace-time basis, and those plans have been referred to the East African Governments. So far as I am personally concerned, I do consider that it is of very first importance that the Industrial Research Board should continue in time of peace, and I can give no better reason than the necessity for secondary industries so eloquently put by the hon. Member for Kiambu. The hon. member, Mr. Mathu, referred to the importance of developing and encouraging African trading. Government is in the fullest possible sympathy with him, and the hon. Chief Native Commissioner and I are in consultation with commercial people in Nairobi as to how steps can best be taken to provide encouragement, and also as to what steps can best be taken to encourage the commercial training of Africans. (Hear,

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do need commercial training badly, and the organization of commercial training is, I think, a growing need, and we are trying to do what we can. On that, while talking of trade, I might refer to the speech of the hon. Member for Nairobi North, and inform him that you, Sir, have approved the appointment of a permanent committee with myself as chairman to advise Government on trade and commercial questions. I might also say, in reference to the hon. member Mr. Paroo, I think it was, who requested that the restrictions on the issue of trade licences should be removed, that that question is one which might appropriately come before that committee.

Turning to the speech of the hon. Member for Mombasa, he asked whether any satisfactory arrangements had been made with the owners of the Ziway Estate. As hon. members know, an irrigation scheme is being carried out there by the Government on an area of about 1,100 acres leased from the company for a period of five years, which ends in 1948. This agreement makes due provision for the disposal of the Estate of any assets which may be created by Government and which will be of value to the Estate in the future. If asked whether the agreement is satisfactory or not, I would only mention that the principles involved in it were threshed out by a sub-committee of the Standing Finance Committee, of which I was chairman and the hon. Member for Nairobi South was a member, and was approved by the Standing Finance Committee of which the hon. Member for Mombasa was himself a member. So there is nothing to fear. I think I can leave that as sufficient proof, if proof were needed, of their broad soundness. There is to my mind one point in which the agreement might be better. That is, that it only runs for a period of five years. I should have liked to have seen it longer but, on the other hand, that was the best that could be arranged. But I would say this about the scheme, which also applies to some extent to the sister scheme at Taretta, that Government does not and never did regard them as media for getting revenue quickly. They were regarded quite definitely as measures of insurance against food shortage, which was very

acute at the time the two schemes were started—

Mr. NICOI: On a point of order, I think the hon. member has misrepresented my remarks: I was referring to the question of the agreement with the company, the re-acquisition by the company of that land and the headworks.

Mr. TROUGHTON: The agreement to which I have referred does provide for the land reverting to the company in 1948.

Mr. NICOI: What about the headworks?

Mr. TROUGHTON: I beg your pardon?

Mr. NICOI: The financial implication of the headworks? You have spent money on the headworks of the Ziway scheme, are you giving the company something for nothing or are they buying it?

Mr. TROUGHTON: In the scheme it is provided that any works carried out by Government which are of value to the company will be taken over by the company at the expiry of the agreement. (Mr. Cooke: At a valuation?) At a valuation, and in the event of a difference of opinion regarding the valuation the provisions of the Arbitration Ordinance will operate. The hon. Member for Mombasa also asked regarding the preservation of ancient monuments and, in particular, referred to Gedi and asked what Government was doing. Government is doing what it can to preserve ancient monuments with the staff and resources available, and if the hon. member looks at the estimates he will find the vote has been increased from £50 to £750. That is not very much, but there is one serious difficulty that I should mention about Gedi. That it, in the vicinity of the ruins there are a number of trees, including some baobabs, and the roots of these trees have been spreading underneath the ruins, and if they spread much further there may be disaster. The Provincial Commissioner of the Coast Province is well alive to this and has arranged for the forest officer at Mombasa to go out and inspect these ruins and advise what can best be done to stop this root nuisance.

Turning to tourist traffic, the hon. Member for Mombasa referred to the

[Mr. Troughton] report of a sub-committee of the East African Publicity Association regarding tourist traffic, and asked what was being done. The report of this committee is a very curious document, all the more surprising in view of its distinguished chairman. We find that the recommendations include the following: "That the Association"—that is, the East African Publicity Association—"be kept on the widest possible East African basis with its existing aims and objects". Note the phrase, "with its existing aims and objects". Another recommendation is: "That it is not the function of the Association to develop tourist attractions". When we turn to the memorandum of association of the Association which I have here, we find: "The objects for which the company is established are the organization of publicity on behalf of the above-named territories of East Africa and with that end in view... to take all such steps as may be advisable and feasible to improve the attractions and conditions of travel in East Africa and the well-being and comfort of visitors to East Africa." It is quite impossible for the Association to carry out its objects if its intention is not to develop tourist traffic, and I should have thought these, rather than curious and contradictory recommendations would have received the consideration of the council of the Association. I have no doubt that the matter is "under active consideration" (Laughter) by that Council, and we shall hear more from them in due course. It may be thought that I am ostentatiously trying to pass the buck to the Council. Not a bit of it, because however dilatory or dormant or somnolent the Council may be, Government has an obligation to the taxpayers, and something has been done both by the hon. Member for Nairobi North and myself in this matter.

In the first place, at the instance of the hon. Member for Nairobi North—and to some extent myself—a memorandum on road development has been prepared by a member of the Publicity Association and will come before the Planning Committee. In the second place, at our instance the East African Hotelskeepers Association are actively considering it—what steps can be done to provide more and improved hotel

accommodation in this country. Thirdly, a bill for the establishment of national parks is coming before this Council very shortly. This measure is of the first importance for tourist traffic.

Mr. NICOL: Before the hon. member proceeds, may I say he has buried the issue entirely? He has quoted two recommendations, there was another, which should be appointed to consider the whole question of tourist traffic, but apparently he has assumed the functions of that committee in consultation with my hon. friend the Member for Nairobi North. I think that was "the most unsatisfactory answer" that I have ever heard in my life!

Mr. TROUGHTON: I, most strongly deny that I have "buried" the functions of any committee. No committee of that sort can be appointed until the Council of the East African Publicity Association has advised on the recommendations of the sub-committee. The appointment of such a committee without the views of that Council would, I suggest, be an insult to the Council and might result in the Council resigning.

Turning to the speech of the hon. Member for Kiambu, she did stress the importance of secondary industries, and I notice that when the hon. Chief Native Commissioner was talking that she gasped (laughter) because he did not mention secondary industries. He quite deliberately did not mention them because he was leaving it to me. We are in the fullest agreement—no, not fullest agreement, very large agreement—with what the hon. Member for Kiambu said on this subject. The importance of the development of secondary industries of all possible kinds in native areas which are fast becoming over-populated cannot be over emphasized. The Government, I think, can best help by the provision of three things: research, encouragement, and experiment. What we need is someone to direct it and give the necessary impetus. I am glad to be able to inform hon. members that the hon. Chief Native Commissioner and I have succeeded in securing the services of a suitably qualified officer who will devote his whole time to the organization and encouragement of rural industries in native areas. There is provision in the estimates for £5,500, and if more is re-

[Mr. Troughton] have no doubt that the Standing Finance Committee will be very ready to vote the extra money. That at least is a beginning. I cannot agree with the hon. member that these industries should be run by Government. I think it is much better that they should be run by the natives themselves and under Government encouragement. Government help and Government supervision, and I do not see why there should not be profits. They are not a bad thing, although I have no personal experience of them myself.

I have a certain amount more to say, Sir?

His EXCELLENCY: We have another five minutes to 1 o'clock.

Mr. TROUGHTON: The hon. member referred to forest cutting, and said that a lot of timber was being cut illegally. I am satisfied that in the forest reserves there is practically no illegal cutting, but if there are any specific instances in the hon. member's mind and she will let me know I will have them investigated.

The hon. Member for Rift Valley inquired what was the forest policy of this country; or whether there was one.

His EXCELLENCY: As this is a matter which will take some time, it would be a convenient opportunity to adjourn the debate. I understand it is the wish of hon. members that we should try and finish to-day, and that being the case we will adjourn now and meet at 2.30 this afternoon.

Council rose at 1 p.m., and resumed at 2.35 p.m.

Mr. COOKE: Your Excellency, on a point of order and of explanation, and with Your Excellency's indulgence, I failed to rise during a portion of the hon. gentleman's speech, but I think in the interests of the country I should try to make this clear. The hon. gentleman spoke about the soil reclamation scheme of the Director of Agriculture, Well, Sir, I, as a member of the Post-war Employment Committee never visualized for a moment the employment of communal labour, and so far as I can recollect my hon. friend the Commissioner of Lands and Settlement will correct me if I am wrong—the evidence given before us by Mr. Blunt was to the effect that a

labour corps on normal rates of pay, properly uniformed and properly disciplined, should be formed to carry out his scheme, and it is entirely new to me and is cutting right across the recommendations of what I might call an important committee that now we hear that it is proposed to use communal labour. I have not got permission to make a speech, but I should like to say that it would be a monstrous thing to do. It would be inefficient and it would lead to a great waste of money, and the only possible scheme, I do suggest, is to have, as we suggested in the report, a paid body—a trained battalion of African labour recruited from the Military Labour Service and from the Pioneer Force to carry out this important work. (Applause.)

Mr. TROUGHTON: Your Excellency, I am sorry to take up the time of this Council for so long, but the hon. members have asked for answers to a number of important questions and they have said they expect full replies, and if they think I am talking too long the remedy lies in their own hands. (Mr. COULDER: Not now!) In so far as the soil conservation scheme is concerned, I was careful to say that the financial provision in the scheme included financial provision for supervisory staff only, as I think would be quite clear to anyone who studied the figures. I said that the provision for supervisory staff was £42,000 a year and for labour only £3,000. I do not say that I thought that it was practicable to employ communal labour on the scale envisaged. However, I am not going to pursue that point now.

The hon. member, Mr. Decker, referred to the profits that were being made by the Forest Department. As the hon. member knows, these so-called profits, the war-time accumulation of which amounts to about £300,000, are being put into a replanting fund for the development of the Colony's forest resources. They are not profits that are being absorbed in general revenue. The hon. member spoke about his own feeling. I must say I do agree with him in feeling that everything possible should be done to improve the welfare of the forest squatters. Proposals involving the expenditure of something of the order of £2,000 are coming before the Standing Finance Committee in connexion with

[Mr. Troughton] these estimates, and in the Forest Department five-year development plan there is provision for the employment of welfare officers to deal comprehensively with this very subject. The trouble of the past year or two at any rate has, of course, been our old friend manpower. The hon. Member for Rift Valley expressed doubt as to the future market for pencil slats. I do not know on what his information was based, but the fact is that the market for pencil slats kept increasing before the war, it has remained at a very high level during the war, and there is no doubt at all that Kenya cedar is extremely popular among pencil makers in the United Kingdom, and there is no reason to expect or fear, so far as I know, anything but an increase in the market for pencil slats after the war.

The hon. Member for Rift Valley asked whether there is a forest policy, and the hon. Member for Nyanza said that the Forest Advisory Committee had asked for anti-inquiry into forest policy. There is a memorandum on forest policy, which has been approved by the Forest Advisory Committee; here it is. I should say quite definitely that that Forest Advisory Committee consists of five people, and that two members of the five consider that the memorandum on policy should go further than it does. As to whether it is adequate or not, I am not going to express an opinion now, but it will come before the Planning Committee which Your Excellency is appointing. It does cover the point raised by the hon. Member for Rift Valley regarding the production of soft woods. The policy laid down here is to increase the area for soft woods to the maximum extent and also to increase the proportion of soft woods grown in our forests. It also deals with the production of pulp for plywood and pulp, to which the hon. member referred. I must agree with the hon. member that not as much has been done as we would like in connexion with afforestation in native reserves. The Forest Department plan for post-war development does include very considerable expansion of its activities in the native reserves. The hon. member referred to the case of Kisii where I sincerely hope that, with that plan coming into effect, there will be a considerable increase of afforestation; not only in Kisii but in

the neighbouring district of Kipsigis, where the need is equally great, I think.

The hon. Member for Rift Valley and the hon. Member for Nyanza both criticized the Forest Department very strongly on the grounds that there was a lack of drive and direction at the top, and I am afraid it is necessary for me to deal with that at some length. In 1936 an inquiry into the commercial possibilities and development of forests in British East Africa was carried out by the Forest Economist to the Colonial Forest Resources Development Department. I am not going to read the whole report—but there is one little extract I should like to read. It says: "There is no doubt that, especially in the central Highlands, Kenya is in a happier position in the strength of her forest policy than either Canada or Tanganyika, and a very sound foundation has been laid." Kenya's forestry staff and finances have been on a more adequate scale and results have in consequence outdistanced those of the other two territories. The area of both forest reserves and plantations is higher and it has been possible to have more adequate protection from fire and other damage." That, Sir, is an extract from the report of an expert on the subject who came out here in 1936. Admittedly that is eight years ago. Since then the war has come upon us, and I would ask hon. members to bear with me for a minute, or two while I mention something of the record of the Forest Department during the present war. The production of timber has increased to about four times its pre-war level, and if hon. members doubt that they need only do a simple division sum, comparing present forest department revenue with the revenue at the pre-war level. That production of timber reflects, in my submission, the greater care not only on the Forest Department but on the timber industry of this country generally. It has enabled this country to do much, particularly with regard to the Middle East, to fill the gap caused in our timber resources by the occupation of Burma by the Japanese and by the cutting off of supplies from Scandinavia through the occupation of Norway and the cutting off of communication with Sweden. Not only that, but the Forest Department has during the past few years replanted about three times as much as has been

[Mr. Troughton] the neighbouring district of Kipsigis, where the need is equally great, I think.

MAJOR CAVENDISH-BENTINCK: I do not wish to interrupt the hon. member, but I cannot help pointing out, in justification for my colleagues who made those comments, that the production of timber so far as the war effort is concerned is in the hands of the Timber Control and has very little to do with the Conservator of Forests. (Hear, hear.)

MR. TROUGHTON: I appreciate the hon. member's point, but the point is that the timber was there to be cut—(MAJOR CAVENDISH-BENTINCK: By God's grace!)—and the second point is that three times the amount that had been cut has been planted. The replanting of our forests is not the responsibility of the Timber Control.

I should like to refer to the question of pasture research raised by the hon. Member for Rift Valley. I am entirely at one with him in regarding pasture research as of absolutely fundamental importance for the future of this Colony, and not only for the European areas but also in respect of such remote native areas as the Northern Frontier District and Turkana. I have not checked up on the hon. member's historical analysis, but it is true that this matter in 1940 conference considered this matter in 1940 and made certain recommendations which it was not possible to put into effect at the time. Recently, the Director of Agriculture was instructed to raise the matter at a conference of Directors of Agriculture which was held a few days ago. He did so, and they have recommended that the necessary surveys should begin forthwith, so that we can get on with the job. I should like at this point to associate myself with the remarks made by the hon. Member for Nairobi North and the hon. Member for Ukamba as to the importance of research generally. It must obviously play a large part in our post-war plans.

The hon. Member for Rift Valley spoke of the importance of credit facilities for water boring. With that I

agree, and I feel that probably the most convenient medium for such facilities is through the Land Bank. As hon. members know, the question of an alteration in the rate of interest is under consideration, and if that becomes possible it should I think meet that particular need. It will not, however, meet the need for more boring machinery. I am glad to be able to tell the hon. member that more water boring machinery is on order and, as regards shipping can be made available in the country of origin, it may arrive in the country as late as 1950, distant future. As regards the construction of dams, the hon. member suggested, if I got him right, that there should be a number of dam-making teams operated by the Government who would construct and undertake the construction of dams for farmers. I gather that an experiment of this sort was tried in Southern Rhodesia and it seems to me that it is a matter which might properly be rendered by district councils if, as we all hope, their responsibilities and scope are increased in the near future. While on the subject of water, the hon. Member Mr. Priddy did mention the question of a township supply for Rumuruti. So far as I know, no undertaking was given, but I should like to make this general point, that I do think that what water staff we have available, which are not too successful, are projects where additional supplies are necessary to the development of the country, and I do feel quite frankly that small trading centres and minor townships will have to take second place.

I am now going to bat on a strange wicket against the bodily bowling of the hon. Member for Nyanza, the googlies of the hon. Member for Nairobi North, and the ordinary slow stuff of some of the other members. (Laughter.) I am going to make some observations about the Public Works Department. The hon. member Mr. Paroo took the department, and the Education Department, to task for not having ever built any permanent buildings in Mombasa. He did mention that certain private interests had built an Indian girls school and rented it to the Government. I can conceive no happier thing to do, if I had any money, than to build a building and rent it to the Government, the rent is certain, and in this case the rent was

[Mr. Troughton] on favourable terms. We are very much indebted to the builders, but we pay them rent and I do not think we can be taken to task for not having built the buildings ourselves.

The hon. Member for Nairobi North referred to the question of the cost of storage, and the facts are these. I am informed that the hon. member, in his capacity of Director of Non-native Production, in the middle of 1943 asked the hon. Director of Public Works for an estimate for a temporary store of 5,000 tons capacity. He said a temporary store, but then went on, as I understand it, to give specifications which were a corrugated iron roof, stone walls and a concrete floor. If a building with stone walls and a concrete floor and a corrugated iron roof is a temporary building, I do not know what a permanent one is. In point of fact, that store was never built. The question of installing a maize conditioning plant with ancillary storage at Nairobi above, and it was decided to build permanent storage in connexion with the conditioning plant, plus certain temporary storage to be erected by the Railway Administration. The point is this, that the Railway Administration was asked to erect temporary storage, the Public Works Department was asked to erect permanent storage and also, I may say, permanent storage on a different site, on a site where there was deep black-cotton soil. Therefore the estimates of cost are not comparable with each other. I will not deny for a moment that the Railway Administration in many instances can probably build cheaper than the Public Works Department, particularly in certain parts of the country, because they have the organization on the spot, their organization can be moved quickly from place to place by the railway, and they build as a rule in the vicinity of their railway stations and their railway marshalling yards.

The hon. member referred also to a road upcountry which I understand was the Nakuru-Gilgil road (Mazoe Cavendish-Bestrick: It was) and the failure of the bitumen surface on it. It is a fact that the bitumen surface has failed, and I understand that the reason is that the soil in that particular place is unstable and that the bitumen surface has acted as a sort of poultice, drawing up the water into the embankment, and

thus causing the bitumen to fail. (Mr. CAULDREY: Exactly!) (Laughter.) The reason for that is not anything to do with the width of the surface: the width is all right, and I gather the width of the surface was approved by all concerned, including the Central Roads and Traffic Board, but it does point out the very grave danger to my mind of embarking on a road programme without adequate soil surveys. (Hear, hear.) We have had no staff available for soil surveys in the past, but we had to get on with the roads and chance our arm. In point of fact, our failures have not been large. I am told that in South Africa failures with soil surveys run to as much as 10 per cent. The Director of Public Works hopes to establish in the near future a laboratory with a soil chemist to ensure that any soils over which it is proposed to pass a bituminous surface are carefully examined, and that if these soils are unstable they receive proper treatment to make them stable before any surface is applied.

The hon. Member for Nyanza referred to the slow progress on the Nairobi-Nakuru road. One factor in that progress has been the gentlemen referred to as "co-operators", for which the hon. and learned Attorney General has a different name and for which the hon. Director of Public Works has something still more pungent, but the fact is that progress has been slow. There were a few other observations about the Public Works Department generally, and I am in a position to say something about these, which the hon. Director of Public Works is not. I have been dealing with the Public Works Department for a great many years, because every proposal involving expenditure came through me, between June, 1929, and June or August, 1944, and it is absolute nonsense to say that the Public Works Department disagree with contracts. They use in many instances contract work. It has been the rule rather than the exception, and there is no doubt it will continue to be the case in future. At the present moment, contracting is a difficult business, and experience of a recent case shows that the contract prices are higher than departmental prices. There is one instance I will give which is in the cognisance of the members of the old Standing Finance Committee. That is the question of the construction of a number of houses in

[Mr. Troughton] Members of that committee may remember that tenders were called, and the most appropriate tender came to a sum of £2,017, but I find that after deliberating the Standing Finance Committee instructed the Public Works Department to do the work departmentally at an estimated cost of £1,800, a saving of 10 per cent.

The hon. Director has been taken to task for the state of the roads in this country since the beginning of the war and now. I would say quite definitely that the state of the roads at the beginning of the war was not the responsibility of the Director of the Government: it was the responsibility of the Government as a whole, and any cracks and protests should be directed at the Government as a whole. For years the Director and, for that matter, his predecessor, put in estimates of what they thought was required for the maintenance of the Colony's roads. For years the Director of Public Works has wrestled each year with the financial advisers to Government over these funds, and most drastic cuts were made in the amounts he considered necessary, and he was told to do what he could with the money allocated. That is the cut and in cutting his estimate Government, in my submission, automatically shifted the responsibility on to itself. The fact that the roads in 1940, despite the economies which had been imposed on the Director by Government—and, I may say, with the full cognisance and full support of the unofficial members of those days, who were very loud in their cries for economy—the fact that the roads were in such a good state as to enable us to have supplied on the borders of this country and to conduct the first victorious campaign conducted by British Empire troops in this country, is something of which the Director of Public Works can be justly proud and which no words of any hon. member can take from him. Since the war, the expenditure of the Public Works Department has grown from £238,000 in 1939 to £980,000 estimated for 1945; in fact, more than fourfold. The Public Works Department has taken on this work willingly because it has been necessary to carry it out. It has done so with practically the same staff. The result is that inevitably supervision has suffered, but it is wrong to

attribute the blame for that to the Public Works Department. Rather should they be praised, because this work has been thrust on them by all of us members of Legislative Council and other people, and they have undertaken it and carried it out to the best of their ability, despite the fact that some members are not so young as they were and are staying and doing a man's job in the department purely as a war effort when they preferred and had intended to retire.

Finally, and it is really final, I want to refer to the remarks of the hon. member Mr. Shamsud-Deen on the subject of Indian settlement: I cannot let him get away with his suggestion that the offers made by Government to the Indian community in the past had not been published. The facts are that in 1923, towards the end of the time when Sir Edward Northey was Governor, a definite offer was made the Indian community of 100,000 acres of land at Taveta and one million on the Tana River and a town planned on the river for Indian settlement.

MR. MORTIMER: On a point of explanation, for the purposes of strict accuracy those figures should be reversed.

MR. TROUGHTON: I cannot remember whether I said a million acres at Taveta and 100,000 on the Tana River. The land at Taveta was surveyed by the then Deputy Director of Agriculture, Mr. Deane, and the Surveyor General, Harrison, and a detailed scheme of Mr. Baker was approved. This was communicated to the East African Indian National Congress at the time, and the Congress was informed that Government would do everything possible if the Congress wished to have the matter examined by an expert from India. The Congress, I am sorry, was not known to itself, decided to proceed no further in the matter. It may have been that there was a certain amount of political controversy in those days, but whatever it was it was decided to proceed no further. It cannot be said, therefore, that Government did not make a definite offer. As a matter of fact, the offer was made, but it has since been alienated and developed and has proved a very successful proposition to the interests who took it up.

That, Sir, completes all I have to say. I support the motion.

MR. COULDREY: Rising on a point of order, Sir, I would ask for your consideration and ruling. Although it is not laid down in our Standing Rules and Orders, it is consistent with parliamentary practice that, whenever a Government spokesman has failed to answer questions put to him in debate, it is permissible for any member to ask him to do so, without having given previous notice, and at times not allocated for questions. May I have your ruling, Sir?

HIS EXCELLENCY: The ruling will be delivered at a later date when I have had the advantage of consulting the hon. and learned Attorney General.

MR. COULDREY: The point is that the hon. member who has just spoken failed to answer a question that I asked, and I want to know if it is permissible for me to ask him to do so?

HIS EXCELLENCY: As far as my experience of this Council goes, on occasions in the past a number of questions have been left unanswered, and inevitably so, but if there is any particular point the hon. member wishes to cover now, if he would let me have a copy, or the hon. Acting Chief Secretary, of his question, we could see whether it is possible in the time available to cover it.

MR. COOKE: With great respect, Sir, some of the rulings in the past were not according to the rules and practices of the House of Commons, and I submit my hon. friend is quite correct in asking for a reply to his question now.

MR. FOSBERG SUTTON: I think the hon. member is entitled to it. If he desires a question to be answered I think, as a matter of fact, he is perfectly in order in getting up and asking that it may be answered. Usually in the House of Commons you hear "Question" called across the house to the member speaking.

HIS EXCELLENCY: In the light of the advice from the Attorney General, if the hon. Member for Nyanza wishes a particular question answered would he now mention it?

MR. COULDREY: I asked in the course of debate whether it was the intention

of Government to accede to a request from the Forest Advisory Committee or some members thereof, to hold an inquiry into forestry policy? I did not gather from the reply of the hon. Economic Secretary what was the intention of Government on that matter, and we should all like to know.

MR. TROUGHTON: I beg to reply: No such request emanated from the Forest Advisory Committee, to the best of my knowledge, but it emanated from two members acting in their personal capacities. The request is at present receiving the consideration of Government.

MR. COULDREY: Thank you. "Active consideration"?

MR. TROUGHTON: Very!

MR. HUNTER (Provincial Commissioner, Nyanza Province): Your Excellency, in the course of his speech the hon. Member for Nairobi North alleged deterioration in administrative authority in the native reserves. This remark followed a statement that more and more steep slopes had been brought under cultivation in the reserves. It is not denied that many steep slopes have, in fact, been brought into cultivation, partly due to our production drive and partly due to the fact that in some areas insufficient flat land is available for the purpose of maintaining the population. In most cases, however, cultivation on these steep slopes is protected partly by contour trenches and contour banks and partly by laying of crop trash. These preservation works have all been carried out under the authority of local native council resolutions, which were self-imposed sanctions. In Maragoli, carrying one of the densest populations in this Colony, a few years ago it became evident that a certain area of that location could not be adequately treated for soil conservation purposes without moving the population. Orders were given that the population should evacuate the area, and those orders were obeyed, and the work most successfully carried out.

Within the limits of the available trained staff and within the limits of the time of native authorities, a considerable amount of soil conservation work has been proceeding during the last few years, and all this work has been carried out by orders issued under the authority of the self-imposed sanctions of local

(Mr. Hunter) native councils. Turning now to the more general question of authority in the native reserves, I would point out that during the course of the war the Administration has been called upon to issue a number of very unpopular orders to the native populations, and those orders, although unpopular, have been carried out almost instantly. I refer more particularly to the orders for production of conscript labour and the orders for the production of live stock for the Live Stock Control. I submit, Your Excellency, that these facts do not provide evidence of the deterioration of authority in the native reserves of this Colony.

MR. SURREIDGE: Your Excellency, I should like first of all to express Government's appreciation of the favourable reception with which the budget was received and the constructive tone of this debate. The majority of the recommendations will, of course, be further examined by the Standing Finance Committee. I should also like to take this opportunity of paying a tribute to the work done by the hon. Financial Secretary and his side of the office, Messrs. Potter and Simmonds, and also that done by the Establishment Section, particularly Mr. Ali, in connexion with the preparation of these estimates. (Hear, hear.) As anyone who has undertaken the preparation of estimates will be aware, theirs has been no light task. Before proceeding to deal with the various points of principle and administration raised by hon. members in this debate, not so far covered by the comments of the preceding Government speakers, I desire to express my sincere regret to Your Excellency and hon. members of the Council that, owing to eye trouble for the last month or so, I have not been able to pull my weight. I may say that when I mentioned my temporary incapacity to one hon. member and said I had been precluded from reading during the day and had to spend some time in a dark room, his reply was that he thought it a grand idea that all Chief Secretaries should do as little reading as possible, and that the best place for them was a dark room! He was, perhaps, too polite to add that a padded cell might be even better!

Turning to the points raised by hon. members during the debate, I will deal

first of all with the position of the Economic and Development Secretary. Several members have asked what his functions really were, and I cannot do better than quote, if I may, the following extract from Sir Henry Moore's address to the annual session of the Association of Chambers of Commerce on 16th October, 1944. It begins: "I hope that the appointment of an Economic and Development Secretary will do much towards helping to maintain those good relations. You have asked that the duties of this officer should be clarified, and perhaps I should say something about them. Mr. Troughton's present duties fall into three main categories. First, he is responsible for the collation of the plans for post-war development and for dealing with post-war questions generally. Secondly, he is a member of the Civil Reabsorption Board and is the senior officer in the demobilization and reabsorption branch of the Secretariat, which deals with the preparation of plans for demobilization and the reabsorption of discharged Service personnel into civil life. Thirdly, he deals with commerce and trade matters generally, except insofar as war-time controls are concerned. As Economic and Development Secretary he has direct access to the Governor, and I trust that the commercial community generally will regard him as the main channel of communication with the Government. I have referred to this officer's present duties because I feel that the nature of those duties may well change with changing conditions, and I think that it would probably be unwise to attempt to define them too rigidly at this stage." That is the end of Sir Henry Moore's remarks. It has since been decided that the Economic and Development Secretary will be assisted by a small representative committee, which will shortly be appointed, to advise Government on a number of commercial questions. Several hon. members have expressed the fear that he will be overburdened with work. He is, as we all know, a glutton for work, but I think I know him well enough to be sure that if he finds himself swamped he will make representations. Government has taken steps to ensure that his time will not be taken up with trivia and minutiae, and that he will occupy himself with the broader issues.

[Mr. Surridge]

The hon. Member for Nairobi South mentioned the question of woman power. The regulations controlling the immigration into the Colony of women and children prohibit, broadly speaking, the entry of any women and children who are not normally resident in the Colony. Powers etc. left with the Governor to permit, in appropriate circumstances, the entry of persons not statutorily admissible under the schedule to the regulations. Those powers have been utilized to admit women and children of all races, on temporary visits to the Colony from approved areas, such as areas, generally speaking, being the neighbouring East African territories and other territories from which periodical changes are necessary on health grounds and which are so situated that Kenya is by far the most convenient and accessible territory for that purpose. They have also been used to enable the admission of women and children of all races, in special circumstances, and of women whose services are necessary to the Colony for welfare of national importance. Some difficulty is experienced at present with regard to wives of persons going on leave to the United Kingdom. Many of these wives have been filling important jobs, either for Government or in commercial offices. If they are prepared to return to this Colony without their children, priority passages can be arranged for them, and has been in a number of cases, but at present priorities for children are not granted by the United Kingdom authorities.

The hon. member also mentioned the question of the Auxiliary Police Force. This question has recently been discussed by Your Excellency with the General Officer Commanding-in-Chief, and I have your authority for stating that Government proposes to establish this Force on 1st January next year. The hon. member Mr. Patel suggested that a select committee of this Council should be appointed to investigate Controls of all descriptions, and he had in mind, in particular, the Defence Regulations. During the course of this year the emergency legislation enacted to meet war circumstances has been reviewed with a view to deciding what parts should be terminated at the end of hostilities in Europe and what parts should stand for

a longer period. Departments have been consulted as regards such parts of the legislation as concern them, and their comments have not yet been examined by this Government. When this examination has been undertaken, the question of appointing a committee to advise Government will receive consideration.

The hon. member Mr. Mathu mentioned as question of the terms of service in the African Civil Service Government realizes that the African Civil Service terms have not proved acceptable to the general run of the Service, and proposes to examine the question early in the new year. It will then also examine the question of a non-European unified Civil Service which was raised by other members. The hon. Arab elected member raised the question of Arab matters which were mentioned in a discussion which he and other Arabs had with Sir Henry Moore prior to the latter proceeding to England. I have since discussed those questions fully with the hon. member, and have pleasure in informing him now that Government has agreed that Arabs should be exempt from the provisions of the Defence (Limitation of African and Arab Travel to the Coast) Regulations and included under the Defence (Removal of Persons from Mombasa Area) Regulations. This was the main issue raised at that meeting. The hon. Member for Mombasa asked Government to consider taking over the quarters at Loreto Convent for educational purposes and putting the W.T.S. into the quarters at the civil aerodrome. I have not had time to examine this question. I am sorry to say but will do so at an early date.

The hon. member also raised the question of leave and the appointment of a Passages Priority Committee. So far as leave is concerned, Government and the Railway are endeavouring to do all they can to send officers on leave, but, as the hon. member is aware, transport facilities are not frequent. As regards the question of the appointment of a Passages Priority Committee, I will go into this question next week with the hon. members for Nairobi, if they can afford the time, and the hon. Member for Mombasa, and the representative of the Ministry of War Transport. The hon. Member for the Coast and another member mentioned the question of the

[Mr. Surridge]

appointment of Dr. Lockhart to be Deputy Director of Medical Services over the head of Dr. Callanan. The answer to this question is that the Governor, Sir Henry Moore, gave careful consideration to the claims of both these officers before submitting his recommendation to the Secretary of State. (MR. COOKE: Not satisfactory.) The hon. Member for Nyanza asked whether Dr. Callanan was expected to go back to medicine again. My reply is that he preferred to take up his present duties rather than continue administrative work as Assistant Director of Medical Services.

The hon. Member for Ukamba felt pretty strongly about the Hill School at Eldoret, and I can assure him so do Government. Some little time ago, more than a little time ago actually, Government were ready to put in all the additional accommodation required at the Hill School, but since that considerable difficulties over the question of tenancy have arisen and, in fact during this session, Your Excellency has been in close consultation with the hon. Attorney General, the hon. Director of Education, and myself on this difficult question. We hope to be able to surmount the difficulties soon. I am sorry that I can say no more than that. The hon. Member for Trans Nzola asked that the hon. Director of Veterinary Services should be relieved of his duties as Director of Veterinary Services in order to be able to devote all his time as head of the Central Veterinary Research Station. The question of the reorganization and extension of the Central Institute was the subject of discussion at the recent Conference of East African Governors, and application is being made to the Colonial Development and Welfare Fund for the necessary funds for this work. It and when this is approved, consideration will be given to Mr. Daubney's future, and the question of making use of his services and high qualifications in the manner suggested by the hon. member will be examined by the Government in consultation with Mr. Daubney.

The hon. member Mr. Patel asked a question as to the feeding of foreign subjects in prison. If I am informed by referring to Goans, I am informed by the Commissioner of Prisons that such

persons receive the diet prescribed for Eurasians under the rules made under the Prisons Ordinance, and that that differs in some respects with the diet for Asian prisoners. As the question of diets is rather an intricate one, I would suggest that the hon. member takes the opportunity of discussing the matter with the Commissioner of Prisons. The hon. Member for the Coast and the hon. member Mr. Beecher both raised the question of African special police in Mombasa. I am advised by the Commissioner of Police that ten applicants have been selected and enrolled as special police officers, and they are employed on police duties in the native areas of Mombasa and Kisumu. Uniforms have been provided for them.

In reply to the hon. member Mr. Shamsud-Deen who raised the question of steamer facilities for Indians to proceed to India, I am informed by the hon. Member for Mombasa that the shipping position is such that at the moment shipping tonnage is being more usefully employed in ways other than carrying passengers to India. The hon. member Mr. Nicol adds that the reason why there has been a curtailment of the number of passengers per steamer is (a) in the interests of the safety of the passengers themselves, and (b) the passengers are now limited to the lifeboat capacity of the ship. The hon. member Mr. Paroo said in his speech that not a single cent had been spent on educational buildings for Indians on the coast in the last 25 years. The hon. Economic and Development Secretary mentioned this point in his speech, but I should like to add that Government has spent a sum of five million cents within the last three to four years on Indian educational buildings in Mombasa, some of which has been spent on extensions.

The hon. Member for Nyanza raised the question of senior officers in the Administration, and quoted three specific cases where, he said, the promotion of junior officers had been held up. The first case he quoted—that of Mr. Fazan, who is now attached to the Governors Conference—has in fact facilitated promotion in the Administration and an officer has already been promoted to his vacancy. As regards the second case, I would point out that, among the five posts of senior District Commissioner,

[Mr. SurrIDGE] provision is made for one post of senior District Commissioner to be seconded as Commissioner of Mines. If therefore this post were filled by an officer from outside the Administration, which I gather may well be the Government's intention in the near future, the fifth post of senior District Commissioner would presumably lapse. As regards the third case mentioned by the hon. member, Government appreciates the willingness of the hon. Provincial Commissioner, Rift Valley, to retire and sit back a little, with perhaps a glass of ale—(Mr. COLUARY: Gin!)—not gin, but ale, on his farm, but Government is not able at present to do without the services as Provincial Commissioner of such an experienced officer as he is.

As regards the request for a new Police Terms-of-Service Committee raised by the hon. Member for Mombasa and one or two other hon. members, I would take leave to quote paragraph 99 of the Kenya European Civil Service Committee's report on this subject: "It has been represented to us that, in view of the peculiar nature of their duties, separate terms and conditions of service should be drawn up for the Police. This question was recently considered by the Police Terms of Service Committee and we find ourselves in agreement with the finding of that Committee that no discrimination of the nature suggested could be justified. If all our more important recommendations are accepted, the main grievances submitted on behalf of the Police will be removed." I would remind hon. members that as recently as last June this report was accepted in principle by this Council. Nevertheless, in view of the representations on this subject which have been made in this debate, the Government will re-examine this question early in the new year. (Hear, hear.)

The hon. Member for Mombasa and one or two other members inquired as to what use is made of the material sent overseas by the Kenya Information Office. Your Excellency has already given details of the numbers of articles and photographs sent to the United Kingdom, and the numbers published. The Public Relations Officer at the Colonial Office has explained that of the materials sent

non-illustrated articles are, as a general rule, handled by the Colonial Office Press Section and illustrated articles, including photographs or picture series, are passed to the Ministry of Information. Selected articles have been published in whole or in part in many newspapers, including *The Times*, the *Scotsman*, the *Glasgow Herald* and the best known evening papers and, I am informed, the *Children's Newspaper*. A series of pictures dealing with the coffee industry has recently been accepted by the *Sporting and Dramatic*. Ten broadcasts in English have been recorded locally and sent by the quickest possible means to the B.B.C. Three of these have been broadcast and a fourth—I understand from the hon. member himself on the Kenya and Uganda Railways and Harbours—is now under consideration by the Broadcasting authorities. I trust that the hon. Member for Nyanza will listen to it!

There remain one or two points which have arisen during the debate to-day or which have been handed to me during the morning. I have been asked by the hon. Member for Nairobi South to give an assurance that British subjects will replace foreigners in Control and in Government employment as and when available. It is not the general policy of Government to employ foreigners in permanent posts, and as and when British personnel, particularly ex-service personnel, become available they will be used to replace as far as possible the foreigners on temporary appointments in Controls and with the Government. (Applause.) But I must make it clear that there are a number of friendly aliens—I have in mind Goans particularly—who have been employed and will continue to be employed in permanent posts with the Government. (Hear, hear.) Another point which my hon. and learned friend the Attorney General asked me to mention, as he forget to do it in his speech, was in reply to the question raised by the hon. Member for Nairobi North—the question of the Central Wages Board and the Minimum Wages Board. My hon. and learned friend informs me that the Labour Advisory Board is putting up proposals for the amalgamation of these two boards.

[Mr. SurrIDGE] The hon. Member for Nairobi North stated, if I heard him correctly, that certain agricultural officers in settled areas had been prevented from being promoted to be senior agricultural officers because they were not permitted to leave those areas, or rather could not be spared.

MAJOR CAVENDISH-BENTINCK: The point is they could not be promoted without them leaving the area.

Mr. SurrIDGE: I get the point; that was the point I had in mind, but perhaps I did not explain it properly. As far as my information goes, this statement is not correct, but I will take it up with the Director of Agriculture on his return. I have not been able to do so naturally to-day. I would also remind hon. members of the arrangements made for personal extensions of salaries for such officers in deserving cases.

The hon. Member for Nairobi North also charged the Administration for failing to face up to the position, or rather the problems, in native areas, and in particular for failing to initiate a land policy in those native reserves. He criticized the Provincial Administration, saying that no control was exercised as to cultivation on steep slopes, referring in particular to the Kikuyu Land Unit and saying that an area of good grazing land had been utilized for cultivation although quite unsuitable for such purpose. Well, Sir, I would remind the Council that the question of land tenure, with which are connected such questions as the limitation of stock and the adoption of proper methods of agriculture, has been brought to the notice of Government from time to time. In view of these representations Government made application in 1939 to the Carnegie Corporation for a grant for an anthropological survey. The proposals were sent out to work as a team. Before finality could be reached on this question war broke out and nothing came of it. However, as Government considers this matter of such importance, a senior administrative officer has been detailed to inquire into land tenure into one particular area.

Mr. COOKE: On a point of order, do we not need people of commensurate rather than anthropologists?

Mr. SurrIDGE: That is why I said a senior Administrative Officer had been sent there. (Laughter.) It will be appreciated that since 1939 the need for production has been of paramount importance and no opportunity has occurred of taking active steps to deal with this question of the limitation of cultivation. It is only now, with approaching peace, that we can get on with this very important problem.

I beg to support the motion.

Mr. TRENCHE: On a point of order, unless the hon. Financial Secretary is going to answer a question I asked, perhaps the hon. Acting Chief Secretary has omitted to reply to the question I asked, whether the late Commissioner of Police had submitted a report to the Government on the terms of service and conditions of the Police and, if so, will Government lay such report on the table.

Mr. SurrIDGE: I must express my sincere regret to the hon. member for not replying to this question. I had it in my notes but, overlooked it. In the first place, the late Commissioner of Police made at least three reports on police terms of service to the Government. The first was made very soon after he arrived—I think as a matter of fact it was a matter of three weeks or may be a month. In that report he suggested that salaries of assistant superintendents, superintendents, the Deputy Commissioner—and indeed the Commissioner of Police—should be increased very considerably. (Mr. COOKE: What about inspectors?) I think so, but I really cannot remember. The second report was made to the Police Terms of Service Committee and I think, if I remember rightly—I have consulted the hon. Economic and Development Secretary and he bears me out—a third report was submitted to Government later. I do not know which particular report the hon. member has in mind?

Mr. TRENCHE: The third report, Sir.

Mr. SurrIDGE: I can only say, in reply to that, that I am sorry—I shall

[Mr. Surridge] probably annoy the hon. member—but I have not seen this report for some time. It may well be out of date, but I will examine the question and look into it.

MR. DECIER: Arising out of the ruling recently given, may I ask whether replies to two questions of mine, namely, why the native proposition for dealing with recidivists, which seemed quite a workable policy, was turned down by Government, and why Government will not make available to the Administration some of the very active and useful young men who are now employed in the Secretariat, by considering a modification of the present Secretarial machine?

HIS EXCELLENCY: As regards the question of recidivists, I think my hon. friend the Attorney General referred to that in his speech. As regards the second question, it is a matter I will go into myself on my return, but if the hon. member would take the opportunity when I get back to the Secretariat to go round and see the work that is being done there he might perhaps, instead of asking for men to be removed from the Secretariat, advise me where I can get men who could be brought into the Secretariat. (Laughter.)

MR. TESTER: Your Excellency, I should like to associate myself with the hon. Acting Chief Secretary in thanking members for the unanimous support given to the motion on the draft estimates, and if I may do so without presumption, to congratulate members on both sides of Council on the high level of debate. I particularly should like to thank members on this side of Council for the replies they have given, because it leaves very little for me to do. (Laughter.)

Almost every speaker has opened his remarks by saying "I will now turn to the remarks of the hon. Member for Nairobi South", and I will also do so. First of all, I must apologise for having appeared to have neglected the report of the Standing Finance Committee on the estimates last year by not putting in the note on page 7 of the 1945 Estimates. As a matter of fact it was a slip: the note was prepared and was based on paragraph 6 of the memorandum, but it never got to the printer. I should like to

make one remark on this note, because it is a point, I think, of some importance, and that is in regard to the contingent liability on ordinary pensions. This year, 1944, the estimates just show that there is a contingent liability because the ordinary pensions are not funded. I hope hon. members will be satisfied if I repeat that remark in the 1945 estimates, because my intention is to discuss the point with the Government Actuary in order that in future years we can give a reliable figure which really means something. The hon. member referred briefly to contingent assets, whereas the note as we know deals with contingent liabilities. We have a number of assets, and I do not think we should entirely forget them, such as Government buildings, certain Crown rights in lands, and so on. And this leads me to make just a few remarks about the difference between Government and commercial accounts. I think it is a legitimate complaint of hon. members that Government accounts do not really show how we stand in the way of complete assets and complete liabilities in the same way that commercial accounts do. I think the answer to that is that Government does not contemplate selling out or winding up. (Laughter, and "shame".)

The hon. member asked if the Commissioner of Police had got what he asked for in his estimates without ructions cuts. The answer most decidedly is that he did. The hon. member also said he was not quite sure whether the figure of £800,000 or one and a quarter million pounds has been spent on the reduction in the cost of imported foodstuffs to the consumer. The figure is one and a quarter millions, which is the total of 1943 and 1944. The hon. member, and the hon. Member for Mombasa, spoke of the investigating accountant in the Commissioner of Inland Revenue Department. They asked, "why is he temporary, and do the four territories pay for him?" All four do, and the reason why he is temporary is that he is a very experienced officer of a certain age, shall we say, and one of his most important duties is to establish the investigating section within the department, which will be a permanent part of the department. It is not foreseen at present whether a man of his type and

[Mr. Tester] will be required in that permanent section of the Inland Revenue staff. The hon. members Mr. Patel and Mr. Beecher, and many other members, referred to matters relating to Controls. My opinion is, and I have not the slightest doubt but that it is shared by Government, that what we want to do is to get rid of Controls at the earliest possible moment we can, without doing damage to the public life of this Colony. (Hear, hear.) I admit it is not quite so simple as it sounds. For example, food controls. If you make a mistake, the effect of taking away control may mean a tremendous new sort of black market, and it would be difficult to re-establish control, because there are experienced "bodies" which would have to be reclaimed, and, also, it must be remembered, it is the poor who are the most likely to suffer if a mistake is made. For that reason, although as I said before I think all Controls should go at the first possible moment, a good deal of caution is necessary.

The hon. Acting Chief Secretary spoke of the retention of Defence Regulations; on perhaps, shall I call it, a higher level, but in regard to controls of materials and foodstuffs the East African Production Council organization is constantly examining the possibility of reducing control and eliminating articles from control, and I think that is the whole trend of telegrams from such places as the United States and England is that we may look forward to a relaxation of control relating to a good number of articles, in the not too distant future. There is the question of Building Control. The hon. Director of Public Works is deputy chairman of that Control, and he has put forward a proposition to the Control which, I think, is likely to lead to great relaxations in the control and will permit of more material being released for private houses. During the last few years there has been urgent demands, military and naval and otherwise, for materials and houses, as hon. members know, are not being built. Now the position is that the need for houses is as urgent a need as for most of the naval and military buildings which were proposed. Another hon. member spoke of the Motor Car Control. I think he

intended to ask for a committee to be set up to examine the Control. The Control really looks to its own make-up. The Director of Road Transport whose post is on an Inter-territorial basis, but as chairman of the Supply Board direct responsibility to Kenya Government is through me, while the Control is executive managed by the Commissioner of Inland Revenue. I have spoken to the hon. Member for Nairobi South, who is Director of Road Transport, and we are satisfied that the method whereby an applicant submits his application to the District Commissioner or, in the case of Nairobi, direct to the Control, and is there examined in competition with other applicants, is adequate, and I will give an undertaking that I will go into it to see if, in fact, the system we think is adequate is working adequately.

The hon. member Mr. Shamu-Ddeen raised the question of Jilison Control in this country and the Export Control in India. I think hon. members know that a trade representative has been established in India with offices in Bombay—the Indian collaborator Mr. Dalal hon. member spoke of the Commodity Board, and asked if the sum of £70,000 provided in the estimates was for salaries and such like or was it for other purposes. The money provided is for salaries and ordinary administration charges and running of the office. As the Board hon. member's point was, was it a trading account, the answer is that it has no trading account. The hon. Member for Nairobi North raised the question of a notice issued by the Commodity Board on the subject of margarine. I thought he said the Board was selling it, but that is not a fact. The fact is a substance made by a Farmer in the Naivasha District, 700 lb. a month, does not comply with the requirements of the Dairy Produce Controller as "butter", and it is sold as margarine (laughter), and is rationed. I do not think there is any subsidiary industry of margarine being built up on the aly! In connexion with the Commodity Board, I should like to refer to the hon. member

[Mr. Tester]

Mr. Beecher's point about the rationing of Africans with, I gather, what may be called western tastes in food. I have not had a great deal to do with the Commodity Board for some time, but I was under the impression certainly that the Board had gone to a great length to try and meet those requirements. But I will go into it again to see if any more can be done.

The hon. Member for Mombasa brought up the subject of the East African Co-operative Society in Mombasa. This new society wished to have issued to it rationed articles for sale to its members. The matter was referred to a meeting of the council of the Commodity Boards, that is to say, a meeting of people representative of all regional districts, and this council, which consists of unofficials and officials, a very wide representation, decided that this privilege should not be given to the new society.

The reason for doing so was that it would be quite contrary to the general policy in these matters which is to arrange that when any article comes under control, as a *quid pro quo* to the trade, such article is only allocated or rationed through established channels. I spoke a moment ago about the relaxation of control. The moment it is possible to relax Commodity Control this question of issue to the society naturally will come up again, and I certainly could not advise Government to intervene in the meantime.

Mr. NICOL: On a point of explanation, Sir, I have received a letter within the past 24 hours from the society. They say that only recently a new store in Mombasa has been granted the facility of rationed commodities and any purchaser is permitted to go to the store to which I refer and purchase butter, sugar, flour as the case may be, irrespective of where they were dealing heretofore. If a new store is allowed to do that, I contend that the Co-operative Society should be allowed to trade with its members. (Hear, hear.)

Mr. TESTER: If a new store has received these privileges I agree entirely with the hon. member.

Mr. NICOL: Will you go into it?

Mr. TESTER: I certainly will.

We have heard a great deal in this debate about the post of African bio-chemist and undertakings have been given that the question will be raised in Standing Finance Committee. I should like to give a few facts about the situation, so that hon. members on the Standing Finance Committee can think the matter over. The officer is at present on a salary of £102; if he takes up the post provided for him in the estimates he will get £170 a year; he is in scale D and has three more annual increments to go. When he reaches the top of scale D, if his work has proved as satisfactory as his qualifications are good, he then goes to scale E with a maximum of £315. I just make this explanation to remove the impression that the situation is not that he will be appointed to a post of £170 and will stay there forever, and I have no doubt the members of the Standing Finance Committee will give due consideration to this aspect of the case. If I may turn to the remarks of the hon. Member for Mombasa, who thinks that the customs revenue estimates are over-estimated, I remind him that in 1942 we had an excess of £160,000, in 1943 £855,000, and in 1944 we shall have £800,000 at least, and the estimates for 1945 are £400,000 less than the revised estimates for 1944. There is always room for a difference of opinion on this point, but seeing as I do the large number of telegrams relating to imports control and the supply position in the United States and England and so on, I honestly think we stand a very reasonable chance of getting two million pounds provided in the customs and excise estimates. The hon. member is, of course, conservative in his estimation of these things, and also in regard to the debt of the Colony, which he put at four million pounds. It is £4,328,793 actually, and I should like to confirm that the shortfall of £1,990,300 in sinking funds refers to the Colony's loans without any connexion whatever with the Railway loans.

There is another matter which the hon. member referred to, the vote for distinguished visitors, £2,500. I think Council would not like to give its time

[Mr. Tester]

to consideration of that, although it might provide a diverting item on the Standing Finance Committee agenda. (Laughter.) The hon. member for Mombasa and indeed a number of members, spoke of the excess profits tax. They will remember that fund derived from the tax, which will amount to a million pounds as a sheer estimate, will be disposed of in this Council. It is absolutely obvious from the slightest examination of the position that faces us that we shall want a tremendous amount of money to handle the many projects which will be placed before us, and I cannot imagine that any Government would think of disposing of this million pounds until they had taken into account the requirements of this country, nor does it seem to me to be a very good way of doing things to send a million pounds home to His Majesty's Government and fetch it back again through Colonial Development and Welfare Act moneys for even when we arrange our finances, that probably would be the effect of sending it home. There were two matters of really great importance raised by the hon. members for Nairobi South and North, Nyanza, Rift Valley, and others. I refer to the reduction in the Land Bank rate of interest and the question of a local loan. Unless I misunderstood the hon. Member for Nyanza he said that he hoped I should not say this was under "active consideration" and that he would get a reply in six months. As far as I remember the debate, active consideration applied to hospitals at any rate appears to mean about six years and consideration up to 20 years! These two items are in that sense not under active consideration or consideration.

I should like to say quite plainly that these two subjects stand every chance of being brought to the notice of this Council formally during this session. The Land Bank rate of interest has been considered by Government, and I am authorized to say that Government is sympathetic to a reduction. The point I should like to make, when this debate is so full of references to the question of development and so on, is—can development on farms be afforded at the present interest rate of 6 per cent? I do not think

so, and I think a reduction in the rate of the Land Bank interest may in fact prove to be a good investment. (Hear, hear.) In our estimates the reduction in the rate of interest, if allowed, will mean a subsidy, and I do not wish members to get misled on that point. My point is that even though the estimates may show a subsidy, cheap rates of interest will benefit the Colony in the long run and, on the same argument as the hon. Member for Nyanza advanced, we should get our return back in customs and in other ways. I think the attitude towards Land Bank loans has altered a good deal since our loans on which Land Bank capital was based were issued, because I see His Majesty's Government on the 27th July of this year passed the Agricultural (Miscellaneous Provisions) Act, and a subsidy of £150,000 per annum is being given to enable agricultural loans to be made at 3½ per cent. That is what they have done at home. Concerning the local loan, this has been considered, and by and large it certainly has not been turned down, but one difficulty has arisen in regard to marketability. It will certainly make a great difference to the success of the loan if some reasonable arrangement can be made for marketability. In other colonies arrangements have been made to this end, and I have inquired by telegram whether they will give us their advice. As soon as they come, I am being directed to meet, if they will in any moment. As a committee including members of this Council and other representative people to discuss some practical points in connexion with the possibility of raising a local loan. I must say that one question above all others that I want advice on is, how much do you think we can raise. I do agree with the hon. Member for Nyanza that now is the psychological moment for this loan, and if we decide to have it now is the time to get on with it. (Hear, hear.)

The hon. Member for Nairobi North raised the question of the financing of a silo. I have nothing to add or detract from the assurance given in Legislative Council by me on the 5th February, 1944. The hon. Director of Agriculture spoke about the necessity of organized marketing and he agreed that he could

[Mr. Tester] meet the hon. Member for Kiambu's point that organized marketing does not necessarily mean indulging in monopolies. This is rather outside my scope, but he spoke about unorganized parcels of tobacco destroying the market for Rhodesian tobacco, and I must say when I was in Zanzibar I had a great deal of experience in clove marketing where the same effect was observed. That is to say, small parcels of cloves outside the organized marketing of cloves upset the market very much in excess of their own value. Therefore, I think if an agreed method of organized marketing could be come to it would probably be greatly to the benefit of most producers and to the Colony as a whole.

I should like to refer to a very important point made by the hon. Member for Nairobi North, that is to say the possession of a slump, and I think his idea is that at least some guarantees or arrangements—not necessarily at the present level—should be made in connexion with the future of the post-war years. It is a very big subject and no one will, of course, expect me to make any pronouncement on it at this moment. What I can see is that experience of guaranteed prices and undertakings in connexion with crops has taught us that we have to act a year or two in advance if we want to reap the benefit from our arrangements, because I think a lot of us have now learned that you cannot say to a farmer "tomorrow you will grow wheat" without his making any preparation whatever; you must know a year or two in advance what your farm programmes are to be. I hope hon. members will agree with me about that. (Hear, hear.) The hon. member also spoke about what I might call machinery rehabilitation after the war in connexion with excess profits tax and income tax. Government is quite aware that this is an important matter, and it has by no means been forgotten. The hon. member also spoke—I seem to be switching from one subject to another just as much as the hon. member Mr. Shamsud-Deen and the hon. Member for Nairobi North—on the subject of agricultural officers and the question of buying cars for them. We have got lists of these cars and are

examining the relative urgency of them. The hon. member Mr. Pritam complicated statement from which I have no doubt he will gain a lot of information, and I suggest that if he wishes to raise any question on it he will no doubt take the opportunity in the course of the session. The hon. Member for Nyanza, I think, was called an economic expert by the hon. farmer for the Coast—(laughter) (Mr. COOKE: Distinguished economist!)—a distinguished economist by the hon. Member for the Coast, and I think there is quite a lot in what the hon. member says. (Laughter.) I certainly agree with him that there is a point of view which can look on expenditure on hospitals, and in fact medicine and education, as dividend paying. He also put forward rather a novel idea of balancing a budget. I thought, when he said that our million pounds from income tax would be allocated to pay for medical services, education and the police. I have worked out another sum and tried to pay for part of the rest of the budget, and I discovered that native taxation, at £520,000, would pay for contributions to local authorities, for the military contribution, and for the Agricultural Production and Settlement Board. (Laughter.) I think this does lead us both to the point made by a member or other members, to the effect that when we come to repeal the war-time fiscal legislation we have got to have a general review of the incidence of taxation. (Hear, hear.) I am pleased to hear hon. members welcome the idea, and although it is a big job I will try and get on with it as soon as I can, and I will seek all the advice possible.

I come now to the hon. Member for Ukamba, who asked me about the various secondary industry boards and so on. First he wanted a reply as to who is really responsible for the secondary industries started under official aegis, and he said "Is it the Governors Conference?" It is the Governors Conference. The East African Industrial Council, the East African Research Board and the East African Management Board all work under the Conference of East African Governors. With your permission, Sir, because I suspect these same words will be quoted in other Legislative Councils

[Mr. Tester] I should like to read the reply to the hon. member's question about the East African Industrial Council: "The Council has in preparation legislation for the asked me for a statement on the sugar tax and I will now give it to him. The amount of sugar tax collected from its inception to the 30th November, 1944, was £24,627. The Accountant General reports that £13,527-14-75 has been paid out. This amount has been paid to Sukari, Limited, £3,013; Victoria Nyanza Sugar Company, £4,843; Ramist Sugar Company, £5,472; Manoni Sugar, £198. The hon. member Mr. Paroo asked me for a statement about produce accounts, and I have sent him a rather long and control and direction of industry which will be brought before the Councils in due course, and they are carrying out comprehensive surveys of existing industries, not only to provide essential data, but to form an estimate of the post-war prospects of those industries and what Government assistance they need." I gather from that that this Council will, when the East African Industrial Council puts forward its proposed Bill, after examination and drafting of a Bill by the hon. Attorney General, have ample opportunity to give its views as to the policy which should be followed, and that the comprehensive survey which they are at present carrying out will certainly enable some sort of action to be taken more quickly than if it were not carried out.

In regard to the Industrial Research Board: "The staff is continuously engaged on research into the industrial use of local materials and in giving scientific advice generally on the lines described in a report recently issued by that Board." This report was, I think, issued to hon. members of this Council and I understand a great many of them found it both illuminating and interesting. The East African Industrial Management Board incorporated is a board which, when it was formed, was supposed to carry out the businesses initiated by the East African Defence and Supply Council, and its function is to carry on, as its name implies, as a board of management these projects. In my opening speech I said I would make reference to this

management board and its finances in the course of this session, and I shall find opportunity to do so. There are some decisions which have been made in regard to the secondary industries which I think would interest hon. members. The principal decision is that there is no mandate to sell these industries, at any rate at present; the general idea being that those of them that are sufficiently developed and have profited from the experiments made will be sold by tender, or some such method after the troops come back from the war. There are other points. The pottery project is an example, and caustic soda is another, are cases where the factories were definitely put up for war-time purposes. In respect of caustic soda, for example, it is now allowable for me to tell you that the entire supply of soap in the whole of East Africa was made possible owing to the supplementation of imported caustic soda by the products of the factory. In regard to pottery, that is experimental and not profitable at the moment, and not very good, but certainly we have learned a tremendous lot and supplied an urgent need. I have pleasure in saying that a large number of natives seem to be becoming very skilled, and they should be able to disseminate this skill throughout the districts, much to their own benefit and that of their neighbours. We have also the sulphuric acid factory, which is really a basic industry from which many other industries are derived, and which by its mere presence here and the fact that it has been got ready during the war, will enable increases in secondary industries of a great many varieties to be made without undue delay. I think it will be a very valuable asset to have this sulphuric acid plant available.

My hon. friend the Acting Chief Secretary made some very kind remarks about Mr. Potter and Mr. Simmonds which I say most heartily were well deserved. (Applause.) He also said there were a number of items of not perhaps great importance arising from this debate which will come to Standing Finance Committee.

His EXCELLENCY: Before I put the question, I think it only fair to hon.

[H.E. the Governor] members, lest there be any confusion on a future occasion, that I should refer to one matter now, that is compliance with Standing Rule and Order No. 47 about the reading of speeches. I have not attempted during the course of this debate, more especially since it is the debate on the draft Estimates, to enforce that rule too strictly, but I should not like any hon. member to assume from that lack of enforcement that the same latitude will be allowed on a future occasion when I am no longer President and when the debate is of a somewhat different nature. (Laughter.) I make these remarks, not in any spirit of reproach, but in an endeavour to be helpful and to prevent any hon. member being embarrassed on a future occasion.

The question was put and carried.

SCHEDULES OF ADDITIONAL PROVISION

MR. SURRIDD: Your Excellency, I beg to move that the Standing Finance Committee Report on Schedules of Additional Provision Nos. 6 of 1944 and 3 of 1944 be adopted.

The first schedule follows common form and has been approved by the Standing Finance Committee in the normal way. As regards the second schedule for 1944, I should explain that on the dissolution of Legislative Council in June, 1944, the Standing Finance Committee automatically ceased to exist, and the Governor in Council decided that during the interim period financial matters of major importance should be referred to Executive Council and other important matters of detail to a sub-committee of Executive Council, to which the hon. Member for Nairobi South should be appointed, as a co-opted member. This was done, and any important item which had not already been recommended by the old Standing Finance Committee was examined by either the sub-committee or by Executive Council. All these items have since been passed by the Standing Finance Committee.

MR. TESTER seconded.

The question was put and carried.

INTERIM PENSIONS

S. N. PANDEY

MR. TESTER: Your Excellency, I beg to move: That this Council approves the payment until further notice of a provisional interim pension at the rate of £40-6-6 a year with effect from 15th April, 1945, inclusive, to Mr. Shieth Nath Pandey, formerly clerk, Grade II, Police Department, in respect of his service from 23rd September, 1930, to 12th April, 1945, both days inclusive, in lieu of his own and Government contributions to the provident fund plus the interest thereon amounting in all to £2207-7 which reverts to the general revenue of the Colony.

Hon. members have been so good as to have passed a considerable number of provisional interim pensions based on the same calculations as this one, and I commend this one for their approval.

MR. FOSTER SUTTON seconded.

The question was put and carried.

S. M. U. SHAH

MR. TESTER: Your Excellency, I beg to move: That this Council approves the payment until further notice of a provisional interim pension at the rate of £96-12-0 a year with effect from the 3rd March, 1945, inclusive, to Mr. Sayed Mahmud Ullah Shah, formerly Asian Assistant Master, Grade II, Education Department, in respect of his service from the 14th October, 1929, to the 2nd March, 1945, both days inclusive, in lieu of his own and Government contributions to the provident fund plus the interest thereon amounting in all to £588-7-10d., which will revert to the general revenue of the Colony.

The remarks I made in moving the previous motion apply also to this one.

MR. FOSTER SUTTON seconded.

The question was put and carried.

SEASONAL GREETINGS

HIS EXCELLENCY: Since the Council will not meet before Christmas, I take the opportunity of extending to all hon. members such wishes of the season as are possible on this occasion.

ADJOURNMENT

Council rose at 4.35 p.m. and adjourned to a date to be notified.

Thursday, 28th December, 1944

Council assembled in the Memorial Hall, Nairobi, at 11 a.m. on Thursday, 28th December, 1944, the hon. Chief Secretary (G. M. Reinic, Esq., C.M.G., M.C.) presiding.

The President opened the Council with prayer.

PRESIDENCY OF COUNCIL

THE PRESIDENT: In view of the formal nature of the business fixed for to-day and of the arrangement made earlier this month, that hon. members residing some distance from Nairobi need not attend this meeting of His Excellency the Governor last week that hon. members would prefer that a full Council should welcome His Excellency on the first occasion on which he presides at a meeting of this Council. In compliance with this suggestion, His Excellency has appointed me to preside to-day. He himself will preside at the next meeting of Council on Wednesday, the 3rd of January.

MINUTES

The minutes of the meeting of 1st December, 1944, were confirmed.

PAPER LAID

The following paper was laid on the table:—

By MR. TESTER:

Report of the Standing Finance Committee on the Draft Estimates of Revenue and Expenditure for 1945.

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, 1945. Hon. members will know that this tax is renewable annually and is one of the taxes that have to be revoked. The present rates of tax are for tickets of 75 cents and under Sh. 1, 15 cents; where the tax exceeds Sh. 1 and up to Sh. 2, the tax is 25 cents; from Sh. 2 to Sh. 4, the tax is 50 cents; from Sh. 4 to Sh. 8, the tax is Sh. 1, and after Sh. 8 the tax is increased by 50 cents for each additional Sh. 4 or part thereof. These rates I suggest are not unreasonable, and I think the Council will not like to forgo this source of

revenue for 1945. In recent years it has produced some £22,000 annually.

MR. FOSTER SUTTON seconded.

The question was put and carried.

BILLS

FIRST READINGS

On the motion of Mr. Foster Sutton the following Bills were read a first time:—

The National Parks Bill.

The Class W Army Reserve (East Africa) Bill.

The Pensions (Increase) Bill.

The Revision of Laws Bill.

The Motor Vehicles Insurance (Third Party Risks) Bill.

The Public Trustee's (Amendment) Bill.

The Customs Tariff (Amendment) Bill. And notice was given to move the subsequent readings at a later stage of the session.

SUSPENSION OF STANDING RULES AND ORDERS

MR. FOSTER SUTTON: With the consent of the President, under Standing Rule and Order No. 108, moved that Standing Rules and Orders be suspended to enable the 1945 Appropriation Bill to be taken through all its readings at this sitting.

MR. DENNISON seconded.

The question was put and carried.

1945 APPROPRIATION BILL

FIRST READING

On the motion of Mr. Foster Sutton the 1945 Appropriation Bill was read a first time.

SUPPLEMENTARY APPROPRIATION (1943) BILL

SECOND READING

MR. TESTER: Sir, I beg to move that the Supplementary Appropriation (1943) Bill be read a second time.

This measure is of a formal character inasmuch as the whole of the expenditure shown therein has already been approved by resolution of this Council.

MR. FOSTER SUTTON seconded.

The question was put and carried.

1945 APPROPRIATION BILL

SECOND READING

MR. TESTER: Sir, I beg to move that the 1945 Appropriation Bill be read a second time.

As hon. members are aware, it is essential to obtain the approval of this Council by means of an ordinance in order to incur public expenditure, and it is necessary to put this Bill through now in order that we may have the necessary authority as from 1st January, 1945. The figures in the schedule are based on the estimates as amended by the recommendations in the report of the Standing Finance Committee, but Government undertakes if, as a result of the discussion of that report, any amendments or alterations are agreed to by Council, to introduce the necessary amending ordinance.

MR. FOSTER SUTTON seconded.

The question was put and carried.

BILLS

IN COMMITTEE

MR. FOSTER SUTTON moved that Council do resolve itself into committee of the whole Council to consider, clause by clause, the Supplementary Appropriation (1943) Bill and the 1945 Appropriation Bill.

MR. DENNISON seconded.

The question was put and carried.

Council went into committee. The two bills were considered clause by clause.

MR. FOSTER SUTTON moved that the bills be reported without amendment.

Council resumed, and the President reported accordingly.

THIRD READINGS

MR. FOSTER SUTTON moved that the two bills be read the third time and passed.

MR. DENNISON seconded.

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

ADJOURNMENT

Council adjourned until 10 a.m. on Wednesday, 3rd January, 1945.

Wednesday, 3rd January, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 3rd January, 1945. His Excellency the Governor (Sir F. E. Mitchell, K.C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the Acting Director of Medical Services (Dr. F. R. Lockhart), and the Hon. T. A. Brown (Solicitor General).

WELCOME TO HIS EXCELLENCY

MR. VINCENT: Your Excellency, in extending to you a very cordial welcome on behalf of the European Elected Members, we want to assure you of our sincere co-operation in the great task that confronts you. We are confident that your wide experience and knowledge of these territories will enable Kenya to make great progress during this critical stage of our history, and in accomplishing this you may rely on our most loyal and energetic support.

MR. PATEL: Your Excellency, on behalf of the Indian Elected Members and the Indian community of Kenya, I extend a hearty and cordial welcome to you and Lady Mitchell to this Colony. One feels, in a very short period the presence of a dynamic personality in this Colony, and there are already indications that schemes and plans for the advancement and development of the Colony will not only be on paper but will take practical shape. From what I have heard and know of Your Excellency's work in adjoining territories, one hopes that in the advancement and development of this Colony the Indian community and other communities residing in it will have fair play and justice during your period of administration.

MR. SHERIFF ABDULLA SALIM: Your Excellency, on behalf of the Arabs of this Colony and Protectorate of Kenya, I associate myself with previous speakers in extending to you a cordial welcome.

MR. BEECHER: Your Excellency, on behalf of the African peoples whom it is our privilege to represent, my colleague and I wish to extend to you and

(Mr. Beecher)

Lady Mitchell a very hearty welcome to this Colony. It is a source of very considerable pleasure and satisfaction to us to note that soon after your arrival you have already demonstrated the firm resolve that action will be taken which is so long needed. It is very significant that Your Excellency has chosen the Ukamba country for your first safari and your first interests, a place that has for so long been dangerously neglected. We would wish you and Lady Mitchell high success and God's blessing on your life here amongst us.

MR. RENNIE: On behalf of hon. members on this side of Council, I should like to associate ourselves with the expressions of welcome that have been voiced from the other side of Council. Your Excellency comes at a most important time in the history of Kenya. The next few years will be pregnant with possibilities, but we are all confident that under your able direction the goods will be delivered!

HIS EXCELLENCY: I am very much obliged to hon. members for their very kind welcome, to myself and my wife. I am very conscious of the heavy responsibilities of this office. I am also happily aware of the cordial spirit of collaboration and mutual goodwill between all sections of the community which animates the country at the present time. I should be exceedingly grateful if I did not add an expression of very deep gratitude and appreciation for all the labours, if not all of it publicly known, work of my predecessor who has borne the heat and burden of the day during the anxious time of war (applause), who has deserved so very highly of the country and who has left to me so happy an atmosphere in which to take up my duties. (Applause.)

MINUTES

The minutes of the meeting of 28th December, 1944, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By MR. RENNIE: Report on an investigation of co-operative possibilities in Kenya, by W. K. H. Campbell.

By MR. TESTER:

Statement containing the information required by Question No. 71 asked by the hon. Member for Native Interests (Mr. Beecher).

By MR. CAVENDISH-BENTINCK:

Report of Settlement Schemes Committee 1944 to the Chairman, Agricultural Production and Settlement Board.

ORAL ANSWERS TO QUESTIONS

No. 69.—REFRIGERATORS

MR. COOKE:

1. Is Government aware that (a) there is a grave shortage of refrigerators in this colony, and (b) that there is a maldistribution of the machines?

2. Is it aware that in consequence many general merchants whose machines have broken down find it extremely difficult to preserve perishable food for their civilian customers?

3. And that much valuable food in consequence perishes?

4. And is it aware that allegations are widely made that the Services possess in their canteens and messes refrigerators both in storage capacity and number, in excess of their reasonable requirements?

5. Whether or not Government is aware of any or all of these facts, will it order that an immediate return of all refrigerators in civilian and Service possession be compulsorily rendered?

6. After having obtained the necessary figures, will it take steps to ensure that an equitable redistribution of these necessary articles is made?

7. If not, why not?

MR. WILLOUGHBY (Acting Postmaster General): 1. (a) and (b). The Government is aware that there is a shortage of refrigerators in the country to-day, but is not aware that there is a maldistribution of these machines.

The Electrical Controller watches very carefully the distribution of all new refrigerators imported by commercial enterprise, and the redistribution of second-hand refrigerators offered for sale by members of the public.

2. The Government is aware of a few such cases and everything possible has been done, and is being done, to meet such requirements.

[Mr. Wiloighy.]

3. The answer is in the negative.

4. The Government is aware that the hon. member has made such allegations in the Electrical Controller, who has represented the matter to the Military Authorities. After full investigation, however, the Military Authorities have stated that there are no surplus refrigerators under Military control in Kenya, and that in fact there is a shortage. The Government is not aware of any other allegation of this nature.

5. The Government has no authority to order the Services to submit any such return, and it does not consider that any useful result would be achieved by calling for a return of refrigerators in civilian possession; the Control has other means by which an adequate knowledge of the whereabouts of refrigerators can usually be obtained. Powers already exist for the requisitioning of refrigerators when it is necessary or expedient to do so in order, *inter alia*, to maintain supplies and services essential to the life of the community.

6 and 7. In view of the reply to 5, these questions do not arise.

NO. 71—POST OFFICE OVERTIME

MR. BIRCHER:

(a) Is Government aware of very considerable dissatisfaction in the Post Office arising out of a decision by the Postmaster General to make no remuneration for overtime either by way of direct payment or time off in lieu of payment in respect of duty performed between 42 and 45 hours per week and amounting to well over 180 hours in many individual cases and to a total of nearly 5,000 hours in all?

(b) Will Government please give instructions for these outstanding debts to be paid?

(c) If it is impossible to give an immediate affirmative reply to the second part of this question, will Government please order a commission of inquiry to hear the petitioners' case and to advise Government on necessary action.

MR. TESTER: As the answer is a long one, a written statement giving the hon. member the information he requires has been laid on the table.

Statement containing the information required by Question No. 71 asked by the hon. Member for Native Interests (Rev. L. J. Beccher).

(a) The Government is aware that considerable dissatisfaction exists amongst the African staff of the Posts and Telegraphs Department in regard to the question of compensation for overtime either by way of direct payment or time off in lieu of payment in respect of duty performed between 42 and 45 hours a week over a period from 1938 to June, 1944.

In 1938 it was decided to grant time off in lieu of overtime-worked as far as possible in respect of attendances between 42 and 48 hours per week.

In August, 1940, the matter was fully examined by the Standing Finance Committee, which recommended that the Kenya rates of overtime should be amended on a basis of a 45 hour week, it having been made clear to the Committee that up to that date it had in fact been seldom possible to give time off in lieu of overtime worked.

This recommendation was accepted by the Government and accordingly with effect from 1941 the number of unpaid hours per week of extra duty was reduced by one half. The principle, however, of granting time off in lieu of overtime worked between 42 and 45 hours per week was continued, although it was made clear to the employees concerned at an interview granted to them by the Postmaster General on the 17th of October, 1941, that such time off could not be regarded as a right or as compensation for hours worked in respect of any specific period. Time off has since that date been granted whenever possible.

With effect from the 1st of July, 1944, as the result of representations made by the Postmaster General it was decided upon the recommendation of the Standing Finance Committee to grant overtime payment for all hours worked in excess of 42 per week and this is the present position.

It is assumed that the figure of 5,000 hours refers to the number of uncompensated hours of extra duty worked by 55 Nairobi telegraphists which in June, 1941, totalled 4,300 hours and by February, 1944, had increased to 4,900 hours.

(b) In view of the foregoing explanation the Government does not admit that there are any "outstanding debts".

(c) In view of the answer to part (b) of the question the necessity for a reply to this part of the question does not arise.

NO. 73—GRISTING MILLS

MR. PRITAM:

"Will Government please state the number of cereals gristing mills of a capacity of five bags or over per hour imported during the period of 1st January, 1943, to 30th September, 1944, and how and to whom such mills were allocated?"

MR. TESTER: Two cereal gristing mills of a capacity of 5 bags or over per hour were imported during the period 1st January, 1943, to 30th September, 1944, and were allocated by the Machinery Pool to Messrs. Ungu Limited.

NO. 74—MOTOR VEHICLE ALLOCATIONS

MR. PRITAM:

(a) Having regard to the dissatisfaction with which the general public is viewing the present system of allocating cars and motor cars released by the Army, will Government please state the total number of new motor cars imported and also the number of motor cars released by the Army during the period 1st January, 1943, to 30th September, 1944; and further how and to whom they were allocated?

(b) As the present system gives cause for misgivings, would Government please consider the desirability of appointing a small committee under the chairmanship of the Director of Road Transport to examine the merits of each and every application for motor cars and allocate same preferentially to those who need them for business purposes or for essential war work, and cars for pleasure purposes should only be allocated if and when they are in plentiful supply?

MR. TESTER: (a) (i) The Government is not aware that any general dissatisfaction exists regarding the present system of allocating motor cars released by the Army.

(ii) The total number of new cars imported during the period referred to was nil.

(iii) New motor cars released by the Army totalled six. One each was allocated to the following:—The Chairman, Agricultural Production and Settlement Board; the General Manager, Kenya Farmers' Association; Dr. Enzer; Capt. F. O. B. Wilson; the Controller of Prices and Military Contracts, and the Director of Imports.

(iv) Allocations were made on a basis of priority of need in connexion with essential services.

(v) It is regretted that the number of second-hand motor cars released by the Army during the period 1st January, 1943, to 30th September, 1944, has not been recorded, but under arrangements recently made a record of such releases is being kept with effect from 11th December, 1944.

No reason is seen why the present system of allocating new and second-hand motor vehicles should give cause for misgivings and in the circumstances the Government does not propose to set up such a committee.

NO. 75—SURPLUS MILITARY GOODS

MR. PRITAM:

(a) In view of the unequivocal assurance given by the Government to the Association of Chambers of Commerce that all surplus military goods will be disposed of through normal channels of trade and this assurance is being implemented so far as the automobile trade is concerned, will Government please state the reasons why the military authorities are supplying large quantities of part-worn army clothing to a certain farmer at Njoro for the purpose of re-sale despite the fact that he is not a trader?

(b) Will Government also please state how the said farmer was issued a trade licence in spite of Defence Regulations restricting the issue of trade licences and his business premises being less than three miles distance from Njoro Township, and thereby enabling him to undercut all dealers in new clothing and forcing certain merchants to go out of business?

(c) Will Government kindly take appropriate action in the matter so that

[Mr. Pritam] all surplus army clothing and other goods are handled by trade in such a way that it does not affect the normal business, by setting up disposal depots at such central places as Mombasa, Nairobi, and Kisumu, so that a substantial portion of army goods finds its way to native reserves, where it is so urgently needed?

Mr. TESTER: (a) No surplus military goods have been sold to the gentleman in question. He buys parcels of rags from the Salvage Dump, the sale of which at Sh. 5 per bale was advertised in the Press in 1941. No other person answered the advertisement, but this gentleman has not, and never has had a monopoly, since it is open to others to apply for such salvage if they so desire.

(b) Since the gentleman does not possess a "store" within the meaning of the Traders' Licensing Ordinance, he holds a hawker's licence. The question of reference to the Traders' Licensing Committee, therefore, does not arise. The Government is not aware that his activities have caused any traders at Njoro to go out of business.

(c) There is no question of disposal of surplus military goods except through normal trade channels. Such goods will be disposed of in two ways:—

- (1) General releases after the war;
- (2) Specific releases at the request of the Civil or Military Authorities.

The hon. member will no doubt appreciate that salvage, and surplus stores, are quite separate matters.

No. 76—OLENGURUONE KIKUYU SETTLEMENT

Mr. TREMCH: (a) What is the size of the Olunguruone Kikuyu settlement area?

(b) How many families are now settled there?

(c) Is strict control being exercised in the interests of preservation of forest land and water?

Mr. BLUNT: (a) 34,700 acres.

(b) 452 families, of which 401 are Kikuyu and 51 Dorobo.

(c) Yes, sir, so far as circumstances permit. All roads and shambas are surveyed on the contour. Drainage ways are pegged out and all plots marked out for graduated narrow base terraces. Where-

ever a good stand of timber occurs it is left intact. Settlers' activities are controlled under the terms of the Native Settlement Areas (Olunguruone) (No. 2) Rules, 1942. Government Notice 875 of 1942, to which the hon. member's attention is invited.

KENYA COFFEE CONTROL: OVERDRAFT

Mr. TESTER: Your Excellency, I beg to move: Be it resolved that, whereas by resolution of this Council dated the 27th November, 1940, a sum of £60,000 was made available from the revenue of the Colony to guarantee a maximum overdraft to the Kenya Coffee Control of £20,000 each with the National Bank of India, Ltd., the Standard Bank of South Africa, Ltd., and Barclays Bank (Dominion, Colonial, and Overseas), and whereas by resolution of this Council dated 18th April, 1941, a further sum of £30,000 was made available for the same purpose, a further sum not exceeding £40,000 be now made available from the revenue of the Colony to guarantee a maximum overdraft to the Kenya Coffee Control of £50,000 each with the National Bank of India, Ltd., the Standard Bank of South Africa, Ltd., and Barclays Bank (Dominion, Colonial, and Overseas).

A guarantee of an overdraft up to £90,000 was authorized by resolution in Legislative Council on 18th April, 1941, divided equally between the three banks mentioned in this resolution. At this time, the price of Kenya coffee was approximately £40 per ton and there was no certainty of sale. The proceeds of sales are, of course, used in the reduction of the overdraft. The present position is that the Ministry of Food has agreed to buy for the entire 1944-45 crop and the 1945-46 crop at a price payable *i.o.b.* Mombasa of approximately £110 per ton, which means £100 per ton to the producers in the Nairobi area. The security in connexion with the proposed guarantee is therefore considerably better than that which existed when the £90,000 was guaranteed. Moreover, the Control itself has found it advisable to hold a large part of the stock of bags, and this again increases the security. Producers in some cases are short of cash owing to the short crops of the last few years, and in view of the increased cost of produc-

[Mr. Tester] It is therefore desirable to make some substantial interim payments to producers within the limit of an authorized overdraft. I commend this resolution to the approval of Council, as I believe it will be an aid to production. In conclusion, I should say that experience has shown that the overdraft is only required for a very short time and that time is the critical period when producers want cash for cultivation, and this also reduces the risk to Government in giving the guarantee.

Mr. FOSTER-SUTTON seconded.

The question was put and carried.

NATIONAL PARKS BILL

SECOND READING

Mr. FOSTER-SUTTON: Your Excellency, I beg to move that the National Parks Bill be read a second time.

This bill is the outcome of the ratification by His Majesty's Government in the United Kingdom of the International Convention for the Protection of Fauna and Flora, 1933. Under that convention, the contracting Governments undertook to explore the possibility in any territory under their jurisdiction of establishing national parks and natural reserves. Kenya started taking an interest in the matter some time in 1939, when a committee which was given the name of the Game Policy Committee was appointed to explore the possibility of establishing national parks in this Colony. That committee worked for some considerable time, and on the 30th October 1942, an interim report was made by it. Since that interim report was made, there have been a number of meetings of the committee and discussions with members of the public who are interested, and the outcome of the interim report and those meetings and discussions is the present bill. I might say that the bill substantially gives effect to the recommendations of the committee. There are certain slight variations which I do not think are substantial.

Turning to the bill, clause 3 provides for the establishment of national parks by the Governor, and that is done by proclamation with the consent of this Council. Under clause 3 the Governor, with the consent of Legislative Council, can declare any area in the Colony a

national park for the purpose of the ordinance. I would draw attention to clause 4, which has been inserted at the instance of the Game Policy Committee. Under that clause, once a national park has been established by proclamation, the proclamation cannot be varied, amended, rescinded, or revoked without the enactment of an ordinance passed by this Council. The object of inserting that provision was to enable a certain lapse of time to take place before any radical change of policy could be given effect. In order to introduce a certain amount of flexibility a proviso has been added which enables the Governor, with the consent of this Council and of the board of trustees which the bill seeks to establish, to vary the boundaries of any national park as given in the proclamation. It was thought desirable to do this, because we have had experience before of an inflexible provision which usually means an amendment to a law. This will enable any mistakes in any area or proclamation to be rectified without recourse to legislation.

Clause 5 seeks to establish a board of trustees for the purpose of controlling and managing national parks, and the clause provides that it shall be a body corporate of suing and being sued, and capable of keeping and holding and purchasing property connected with its activities with national parks. Sub-clause (2) sets out the suggested composition of the board of trustees. Hon. members will see that it is suggested that the board shall consist of the Chief Native Commissioner, General Manager, K.U.R. & H., Conservators of Forests, Game Warden, two persons nominated by the Governor, two persons appointed by the elected members of Legislative Council and appointed by the Governor, two nominated by the Chambers of Commerce, one person nominated by the Board of Museums Trustees, and one person nominated by the East African Professional Hunters' Association. Those persons have been included in that clause on the recommendation of the Game Policy Committee. They endeavor to make it as representative as possible. Hon. members will observe that sub-clause (3) enables you, sir, on the recommendation of the trustees, to appoint up to 10 honorary

[Mr. Foster Sutton] trustees, which the clause requires shall be "persons of eminence in scientific or other attainments". The object of that was to try and create interest in our national parks with influential people in other countries. It has been suggested that in some countries like the United States of America they might be invited to become honorary trustees of any of our national parks and when they are in the Colony the clause provides that they shall have all the rights and powers of an ordinary trustee. I think the only other portion of that clause I need draw attention to is (14), which enables the trustees to appoint committees from among their number to whom they may delegate authority to carry out any portion of the work committed to them by the ordinance. That was thought necessary because it is obvious that this board of trustees which the bill seeks to establish is a rather large one, and unless they can appoint committees from among their number to delegate any functions conferred on them by the measure, it is felt that their work would be extremely cumbersome, and it would be difficult for them to effectively carry out their duties.

Clause 6 confers on the trustees powers which will enable them to control and operate national parks. I refer to sub-clause (2), which sets out the various powers which it is sought to confer on them—constructing roads, bridges, aerodromes, buildings, fences, taking all the necessary steps to ensure the security of animal and vegetable life in the national park, to reserve or set aside any portion as breeding places and, with the consent of the Governor, let sites for the erection of hotels or any other buildings for the accommodation of visitors. It is envisaged in these national parks that we may have hotel in which visitors to the Colony can be accommodated. Clause 7 enables the trustees to appoint a board of management to manage any particular national park, and to delegate to that board any of the powers conferred on the trustees by the bill. That again, was included in the interests of flexibility. If in the course of time more than one national park is established, it appeared to the Game Policy Committee to be obvious that the trustees could not possibly effectively manage several national parks, and the object of the clause is to enable them to appoint a

board of management for any particular park. That board, as I have already said, may be granted by the trustees any of the powers vested in them.

Clause 9 makes provision for the appointment of such officers and servants as the trustees may deem necessary. Clause 10 deals with the revenue of the trustees. I would draw attention to the fact that the revenue of the trustees under that clause will consist of voluntary subscriptions, donations, bequests received by them from the public, fees collected by way of entrance fees to the parks, and any other moneys received and any moneys left by this Council for the purpose of the national parks. Clause 11 requires the trustees to keep properly audited accounts. Clause 12 seeks to restrict user of national parks by the public. If hon' members will look at the clause, they will see there are certain acts prohibited without the consent of the trustees or of certain officers and servants duly authorized by them in their behalf. For instance, nobody may enter a national park, nobody may reside in a national park, nobody may convey to a national park any weapon, explosive, trap or poison, and there are a number of prohibitions of things that may not be done without the consent of the trustees. All these are regarded by the Game Policy Committee as necessary in the interests and proper control of these parks. Clause 13 sets out the powers of the officers of the trustees.

Clause 14 is a contentious clause. I understand that there may be a good deal of debate about this particular clause, because it prohibits, "subject to any rights lawfully acquired by any person before the commencement of this ordinance, and notwithstanding the provisions of any law for the time being in force in the Colony relating to mining," any "prospecting or mining" in national parks without the consent of the trustees. Clause 17 is another, I understand, rather contentious clause, because that seeks to reserve "the rights of His Majesty, his heirs, and successors, or the rights of any person in and over any land acquired before the commencement of this ordinance." That clause was inserted for the express purpose of enabling the Governor to protect certain native rights. If there is any debate on the point, I

[Mr. Foster Sutton] have no doubt the hon. Chief Native Commissioner will be able to satisfy hon. members that some provision of the kind is necessary. Clause 18 seeks to enable the trustees, subject to the approval of the Governor in Council, to make regulations which it is considered they should be enabled to make regulating the traffic and operations of persons in the parks. Clause 19 is a penalty clause, providing adequate penalties for contravention of any provision of the bill.

It is Government's intention to appoint a select committee to consider the provisions of this measure, and I have no doubt that some of the criticisms which have been levelled at it since publication in the Gazette it will be possible to meet when the committee consider the bill.

Mr. BROWN seconded.

Mr. COOK: Your Excellency, as a member of the Game Policy Committee, I naturally welcome the bill, and I would, if I may, at this stage pay a tribute to our chairman, Col. Hoey, who did so much work in the matter, and especially the Game Warden, who since he came to this country has been actuated by a stubborn resolve to have this bill on the statute book. (Hear, hear) There may be people who may ask what are the financial benefits to be derived from an ordinance such as this. Fortunately, in this world mankind is not entirely influenced by the utilitarian aspect of such matters. For instance, in Scotland only a few years ago a very large hydro-electric scheme was turned down because it interfered with the natural amenities of a very pleasant valley in Scotland. In England there is the National Trust, which looks after places of special scenic value, and American friends, whom to one would accuse of not being factual and taking the realistic aspect of affairs, have, as everyone knows, set aside very large areas like Yellowstone Park for national park purposes. I am one of those who regard game as not the possession of any particular race or collection of individuals but as being possessed by; if one may say so, posterity; and for that reason I think it is up to us living in a country of superb natural flora and fauna to see that these priceless assets are not dissipated. With the spread of civilization and with the spread of farming

game has got to be strictly controlled in large areas in Kenya; even the most rabid supporter of big game will admit that, and it therefore behoves us to set aside areas which are at the moment given over to tsetse fly or unsuitable for farming for the use and benefit of posterity.

We in Kenya are fortunate in having our game reserves, and I think it is meet and right that Kenya should be the first of these territories to set an example in setting up national parks, for it was to this country, if I might mention a few names highly honoured in Africa—the late Lord Delamere, Sir Robert Coryndon, and Selous—that these men came actuated at first by a love of game and remained to be pioneers. At any rate, we shall be able to thresh these things out during select committee. We are to-day, I think, writing a page in the history of Kenya, and we are, I hope, creating an instrument which will be unchanging and lasting, and in these fitful and feverish days it is, I think, right that we should produce something which is not tied down to material things but has something, if I may say so, of more spiritual values attached to it, for from the game and flora of this country we must inevitably get a certain amount of inspiration from these splendid gifts which we enjoy in this country. It is therefore with great pleasure that I support the motion.

Mr. NICOL: Your Excellency, I naturally welcome this bill wholeheartedly. I feel also it is going to confer on us considerable financial benefit in the long run, and enable the development of tourist traffic particularly, which can in itself be a very valuable export. I have only two points to mention this morning. One is clause 14, which reads: "Subject to any rights lawfully acquired by any person before the commencement of this ordinance, and notwithstanding the provisions of any law for the time being in force in the Colony relating to mining, no prospecting or mining for minerals shall be carried out on any land situated within a national park except with the consent in writing, of the trustees." I feel that that is conferring rather too much power on the trustees and that there should be a qualifying paragraph that their decision is subject to the right of appeal to Your

[Mr. Nicol].
 Excellency in Council. My reason for bringing this forward is that it may be found there are very valuable mineral deposits in a national park which it is in the interests of the Colony to develop. If the trustees turn nasty and will not see reason, it may seriously upset the economy of the country, and therefore it is only right that there should be a method of appeal to a higher authority, and I hope when the bill comes back from the select committee that we shall be able to put in that proviso.

The second point I want to raise is on clause 18. I suggest there should be an additional sub-clause inserted specifically referring to the control of the passage of aircraft over and around these game parks. What we particularly must ensure is that people are not permitted to go in for low flying to look at game, and not only disturbing game but frightening them and being a perfect nuisance to them. We ought to put this in. I should also like to see, insofar as travel across game parks is concerned, some limit of height, provided wind-conditions permit, below which aircraft must not travel. With these two points I support the bill.

MR. BECHER: Your Excellency, one welcomes the bill in principle and recognizes the fact that it is going to select committee, but there are certain aspects of it I should like in Council this morning to criticize. There are certain fundamental objections which I should like to voice, and the first is to the inclusion of the word "ethnological" in the title of the bill. Through the courtesy of the hon. Attorney General, I was able to consult the Convention on which this bill is based, and I examined it carefully, and the examination found that the word "ethnological" was not included in the terms of the original Convention's recommendations, and I believe it has crept in through reference to parallel legislation in South Africa. In order to be quite sure that I was doing right in objecting to the inclusion of the term, I turned to my dictionary, and looked up first "ethnography," and found that that was "the systematic, scientific description of races, including physical, mental, and moral features," and then "ethnology" and found that that was "the science of racial characteristics, and of the distribution and classification of races." I became

immediately apprehensive lest in connexion with this policy of the establishment of national parks we should have people busying themselves with the conservation of what they are pleased to call "the noble savage," and encouraging him to display his "racial characteristics" to a party of tourists. Those tourists would, under the provision of clause, I think it is (2) (d); have hotels and shops provided for them, and there would be keepers of the noble savage set up with salaries, allowances, and retiring benefits under the provisions of clause 9 (2), while they would also enjoy while looking after the noble savage certain residential, pastoral, and agricultural facilities, (Laughter). I trust that the members of the select committee will very kindly agree to the exclusion of that particular term from the title of this bill, so that when it comes back my uneasiness in this respect may no longer continue.

The hon. member indicated that it followed more or less the provisions which were made in the report of the International Convention. That Convention in its recommendations also included as one of the main objects the preservation of objects of prehistoric and archaeological interest. We have on our statute book, ordinance No. 53 of 1934, which in a fashion makes provision for the preservation of objects of archaeological and palaeontological interest, but I think it would be of very considerable benefit if some specific reference were made in it in this bill, and, if necessary, the provisions of the old ordinance brought up-to-date and incorporated in it. The hon. Member for the Coast has already referred to the establishment, and the very beneficial establishment, of national parks in other areas. Associated with that splendid project of the Tennessee Valley Authority, for example, in the United States, has been the establishment of national parks. One hopes to see a project similar to that applied to this Colony. In that connexion something has been done, which may interest the hon. Member for the Coast in another capacity. He should note that the establishment of national parks in that particular area has done a lot for fish protection. (Laughter).

Incidentally, there is another matter which in America has been associated

[Mr. Becher]
 with the establishment of national parks. They have there had established bird refuges and sanctuaries in what are, I suppose, the equivalent to the park adjuncts which this bill proposes to establish, so that people have been able to study a problem which has, I believe, been neglected in this country, the study of birds in relation to agriculture. I trust that when the trustees are appointed and begin their task that will be a subject which is not neglected. There is really a glaring omission in the bill itself, and no reference was made to it in the speech of the hon. mover. The Convention itself provides that facilitating the solution of forestry problems within a territory. If national parks in this country can contribute towards the facilitation of the solution of forestry problems in this country, I am sure that every hon. member on this side of Council will most warmly support their establishment. This is a most grossly neglected subject in this country, and I would welcome an assurance that steps will be taken towards its solution.

I would crave indulgence if I refer to paragraphs in the Carter Commission Report which refer to the establishment of national parks. They are important because they do touch on a subject already referred to by the hon. mover, namely, the safeguarding of African interests in the areas concerned. The Commission refers—and I would say that I was disappointed that the hon. mover has given no indication of the areas which are under consideration to be set aside for national parks—first of all in paragraph 632 to Nairobi Commonage, and it is reassuring to note that that Commission, after the very careful investigation which they gave to this as to many other subjects, record their very definite finding that no native rights will be infringed. They go on later, in paragraph 714 and following paragraphs, to refer to the rights of the Masai. As I wish to touch on the Masai and their interests later on, I make no specific reference to the contents of these paragraphs now. In later sections, 817 to 820, the Carter Commission makes reference to the Game Warden's powers in the areas of Mount Marsabit, Of Doto, the Mathews

Range, Mount Nyiro, and the Hoer Valley, and they repeatedly referred in the course of their discussions of this subject to the need for safeguarding African interests in those areas. In paragraph 820 are words which I should like to quote in full: "The value of a game park as an asset to the Colony cannot be doubted and, provided that native interests are adequately safeguarded, we recommend that it be proclaimed." Finally, in paragraph 884, they make reference to the Samburu area. This is a comparatively short paragraph, and I would like if I may to read that also: "The whole of the Samburu country, including Lerok, is 'game reserve', but we understand it is proposed to exclude the latter area. The effect of game on the grazing and water supply is probably not very serious, and that is the opinion of the Game Warden, Captain Ritchie. Game preservation and stock farming would, however, appear to be somewhat incompatible, and although we have no desire to interfere with Captain Ritchie's decision for a 'national park' in that area, we consider the Samburu are entitled to some consideration in respect of it."

This is the point, the need for safeguarding African interests. I was glad to hear the explanation by the hon. mover of the purpose of the clause 17, and although from a legal point of view the provision there contained may be adequate for safeguarding the rights of Africans and their interests over land which may be proclaimed, I should like the select committee if they will to give very careful consideration to that clause, so that its provisions may be made very considerably more explicit. The opinion I have formed is that in the bill generally the provisions for the safeguarding of African interests are grossly inadequate. I am very distressed, for example, by the fact that there is no provision for the consultation of African opinion. This is not apparent in the proviso which is attached to clause 3, nor indeed is it apparent in the proviso which is attached to clause 4 which sets out the powers under which boundaries may be varied, for whereas in the case of land situated in the Highlands the Governor shall, in the first instance, consult the Highlands Board, there is no indication of any parallel consultation shall take place in connexion with land which falls within a

[Mr. Beecher] 10 per cent *ad valorem* tax is applied in the United States.

With these comments and criticisms on certain aspects of the bill, I welcome it.

Mr. PATEL: Your Excellency, I have only two observations to make. One is in regard to clause 3, which has a proviso for consultation with the Highlands Board in the case of any land situate in the Highlands. The hon. member Mr. Beecher has made a plea for consultation with Africans in cases where land in a native area is concerned. The Indian and Arab communities are only interested in what is known as D areas outside the Highlands and Native areas, and the D area is the coastal province and is the only "imposed" place where the Indian and Arab communities may look forward to for the activities of future generations in the field of agriculture. At present, members of the Indian Land Settlement Board are investigating certain lands situate round about Tsavo river, and I hope that if any portion there is to be included in a national park that those members will first be given an opportunity to express their point of view. The second observation I desire to make is that the Federation of Indian Chambers of Commerce have asked us to point out that they should be given consideration in representation on the board of trustees, and I hope the select committee will consider that suggestion.

To go back in the definition of "competent authority" in clause 2, one would like to see the local land boards as well as the Native Lands Trust Board mentioned in paragraphs (b) and (c). Further, I should like to see deliberate provision made for African membership of the board of trustees set up under clause 5 and mentioned in sub-clause (2). Finally, in this respect, I trust that before this debate is ended we shall receive an assurance from the Government benches that no land will be set aside for the purpose envisaged by this bill that could reasonably be expected to be necessary for African cultivation, etc.

Turning back again to the question of the Masai, we have already made reference to it in the debate for the reference of the draft estimates for 1945 to the Standing Finance Committee, and I should like merely to repeat here that I trust that the modification of the game policy of this country which is envisaged by the provisions of this bill will result in a very considerable modification of the game policy in such areas as Masai, and that there will be that parallel development of Masai pastoral interests which have so long been retarded by the game policy which has there been in operation. Finally, a word about finance. The cost of these parks to this country may be very considerable, and that rightly so, but after the war, when we are faced with a very much less buoyant revenue situation maybe and are called on to make provision for the finances of the board of trustees, we may find ourselves in some difficulty, and I would suggest for the consideration of Your Excellency the possibility that it may be necessary to apply an additional *ad valorem* tax on rifles and ammunition brought into the country by individuals and a similar purchase tax on such articles purchased within the country, in order to provide a source of revenue with which the trustees may be able to carry on their most excellent work. It has been done in other countries; I believe a

10 per cent *ad valorem* tax is applied in the United States.

With these comments and criticisms on certain aspects of the bill, I welcome it.

Mr. PATEL: Your Excellency, I have only two observations to make. One is in regard to clause 3, which has a proviso for consultation with the Highlands Board in the case of any land situate in the Highlands. The hon. member Mr. Beecher has made a plea for consultation with Africans in cases where land in a native area is concerned. The Indian and Arab communities are only interested in what is known as D areas outside the Highlands and Native areas, and the D area is the coastal province and is the only "imposed" place where the Indian and Arab communities may look forward to for the activities of future generations in the field of agriculture. At present, members of the Indian Land Settlement Board are investigating certain lands situate round about Tsavo river, and I hope that if any portion there is to be included in a national park that those members will first be given an opportunity to express their point of view. The second observation I desire to make is that the Federation of Indian Chambers of Commerce have asked us to point out that they should be given consideration in representation on the board of trustees, and I hope the select committee will consider that suggestion.

Mr. MATIU: Your Excellency, I should like to welcome the principle of this bill. I think it is another step which Kenya has taken towards the road to civilization. I have, however, a few remarks to make on this bill associating myself with my colleague. The hon. member Mr. Beecher has remarked on the wording which appears in the heading of the bill, namely, ethnological. I hope that when the bill goes to the select committee the members will consider the possibility of deleting that word. I think it was unfortunate that it was included, because I do not think the people of Kenya would be happy to see the demonstrations of dances to the tourist traffic, as I often read and see in the movies happening in the Rocky Mountains of North America, nor would I like Kenya to think the races which compose the Colony, as some people do, are like those in islands of Polynesia, or Australia, or

[Mr. Mathu]

ought to be represented. Then I would also draw attention to the fact that the only land that may be declared to be a national park, if you turn to clause 2, is "unalienated crown land and any other land granted or leased to the Crown or to the trustees for the purposes of a national park". That being so, no land that is vested in any other person than the Crown can be touched for a national park. For instance, the hon. member Mr. Beecher expressed fears regarding certain aspects of native interests. I do not feel that a similar proviso should be included in those two clauses that His Excellency should first consult the local native councils concerned, the local land boards concerned, and finally the Native Lands Trust Board. That is a very essential point which I think is an unhappy omission from the bill. The protection of native rights in land, you will agree with me, sir, is a very important thing, and we should see that all safeguards are made in regard to native rights. The final point I would like to mention, which was also mentioned by my colleague, is in regard to the composition of the board of trustees. In clause 5 (2) (c) I should like to suggest that when the select committee considers this bill, they should make it very explicit that there will be African representation on that board. With those remarks I support the motion.

Mr. SHERIFF ABDULLA SALIM: Your Excellency, I rise to support the bill, and as the hon. member Mr. Patel stated, I do not think it necessary for me to add any further arguments, for I entirely agree with what he said about the Arabs of the country. I feel that we should also be given representation on matters concerning the coastal area.

Mr. FOSTER SUTTON: Sir, I think that there may be a certain amount of misapprehension due to the fact that I, perhaps deal with the bill in a very inadequate way. I would draw attention to the fact that no area can be declared by the Governor to be a national park without the consent of this Council. Therefore, if hon. members will look at clause 3, nothing can be done without the consent of Legislative Council, so that insofar as an area is concerned every member of this Council will have the opportunity of making representations when the matter is brought up regarding any particular interest that they feel

ought to be represented. Then I would also draw attention to the fact that the only land that may be declared to be a national park, if you turn to clause 2, is "unalienated crown land and any other land granted or leased to the Crown or to the trustees for the purposes of a national park". That being so, no land that is vested in any other person than the Crown can be touched for a national park. For instance, the hon. member Mr. Beecher expressed fears regarding certain aspects of native interests. I do not have no doubt he is aware, all land that the Native Lands Trust Board has anything to do with, is vested in that board, and therefore it cannot be touched under this bill without the consent of that board. That is not unalienated land, it is alienated and held by the Native Lands Trust Board as trustees. The Government, of course, is interested in fully protecting all native interests. In that connection I would draw attention to the fact that the first person mentioned as a member of the board of trustees is the Chief Native Commissioner and, as I said in my opening remarks, clause 17 was inserted for the express purpose of enabling the Governor to protect any native interest in any area affected by this ordinance, and although the hon. member Mr. Beecher seemed to think that clause 17 is not wide enough, of course it can be considered in select committee, but I think I shall be able to satisfy the members of the committee that it is really adequate and that all the protection necessary can be afforded under that clause.

I do not think there will be any trouble in select committee about getting rid of the offensive word that has been referred to. I know that it crept in by reason of the fact that the heading of a portion of it, was taken from a South African Act. I can see no necessity for it, and no doubt the select committee will not hesitate to erase it. The hon. member for Mombasa raised a question on clause 14, and since the adjournment, sir, you have spoken to me about that clause and suggested that we might make provision in select committee for appeal to a committee of this Council. As you said, sir, this Council is really the custodian of the public interest, and I respectfully agree that it will probably be the proper body to hear appeals. It is

[Mr. Foster Sutton] more public, and I think there will be a great deal more confidence in it than if the appeal goes to the Governor or Governor in Council. We have heard a good deal of debate about clause 14. Personally, I was never satisfied with it. The Game Policy Committee have pressed for keeping it as it is, but in select committee no doubt we can make satisfactory provision to cover the point. It does undoubtedly confer a tremendous amount of power on the trustees. The only reason why I propose to clause 3 was put in was that the Order in Council, as hon. members know, dealing with the Highlands, makes express provision that the Governor shall consult the Highlands Board in any matter affecting the disposition of land in the Highlands. As I pointed out, only unalienated Crown land can be declared a national park, and nothing affecting native interests can be done without the consent of the various bodies that control their interests. Regarding representation on the board by the other interests mentioned here to-day, I have no doubt that the select committee will consider the points made.

His EXCELLENCY: Before I put the question, I should like to associate myself very warmly with the objects of this bill. I have been connected with attempts to get national parks established for many years, and I am very happy that the first act of the Council over which I have the good fortune to preside should be this particular bill.

The question was put and carried.

Mr. FOSTER SUTTON moved: that the bill be referred to a select committee comprising Mr. Marchant, Mr. Troughton, Mr. Moirimer, Mr. Nicol, Mr. Cooke, Mr. Mathu, Mr. Thakore, with himself as chairman.

Mr. BROWN seconded.

The question was put and carried.

CLASS W ARMY RESERVE (EAST AFRICA) BILL.

SECOND READING

Mr. BROWN: Your Excellency, I beg to move that the Class W Army Reserve (East Africa) Bill be read a second time.

This bill comes before Council at the instance of the military authorities to

establish a reserve similar to the Class W Reserve in the United Kingdom. It concerns only British other ranks who have been locally enlisted and who have been released subject to recall. It is generally understood and accepted that this personnel is subject to recall, but there are at present no legal means of enforcing their recall, and that is the object of this bill, to provide the legal machinery for the recall of these locally enlisted British other ranks should that step become necessary. By clause 5 all British other ranks who have already been released will come on to this reserve as soon as the ordinance comes into force. By sub-clause (2), British other ranks who are subsequently released will come on to the reserve as soon as they are released. By clause 6, power is given to the General Officer Commanding to recall members of the reserve, and the method by which that power is to be exercised is by serving a notice at the last known place of residence of the reservist. A reservist on this reserve will get no pay or allowances, nor will his service on the reserve count towards pension except, of course, when he is recalled under clause 6. Apart from that, and apart from his liability to recall, the only respects in which his position will differ to that of any other person are, firstly, he will have to report in writing to the General Officer Commanding every six months; secondly, if he changes his address he will have to report in writing forthwith; and, thirdly, he may not leave the Colony without the permission in writing of the General Officer Commanding.

Mr. FOSTER SUTTON seconded.

Mr. NICOL: Your Excellency, I have no objection at all to the principle of this bill, but I do think there should be some safeguard from the point of view of employers. Most of these men who have been released from the army have been released for essential services, and it might prove very disastrous, supposing a man who was employed on shipping in Mombasa was suddenly told he had got to report to the General Officer Commanding. There is no provision for appeal to the Director of Man Power to state a case to the General Officer Commanding. It is quite possible that they would not realize the embarrassing position in which certain shipping services might be placed were numbers of reservists suddenly

[Mr. Nicol] hauled away, and I should like to suggest that some provision be inserted to the effect that an employer has the right of appeal to the Director of Man Power.

Mr. FOSTER SUTTON: Sir, the object of this bill is not to provide for recall under normal circumstances of these persons. It is only an endeavour to supply machinery to enable those persons to be recalled in a sudden emergency. If any person was to be recalled under this measure under ordinary circumstances it certainly would go before the Release Board. I do not think the hon. member has any need to fear.

Mrs. WATKINS: May I inquire if it also applies to women, other ranks locally recruited?

Mr. BROWN: Yes, it does.

The question was put and carried.

PENSIONS (INCREASE) BILL

SECOND READING

Mr. TESTER: Your Excellency, I beg to move that the Pensions (Increase) Bill be read a second time.

This is a type of bill which is particularly susceptible to a compact summary in the "Objects and Reasons" attached to the bill, and I have no doubt that hon. members, from this source if not from the bill itself, have gained a good idea in broad outline of what it purports to do. The operative clause is clause 3, and hon. members will notice that the first schedule referred to therein brings widows' and orphans' pensions within the purview of the bill as well as ordinary pensions and pensions granted to Europeans, Asians, and certain Africans are included. The sub-clauses of clause 3 set out the restricted conditions under which the increase of pensions can be granted, and the ceilings, the highest of which is £300, above which no increased pension can be granted under this Bill. These restrictive arrangements are the same as those applying in the United Kingdom to pensioners of the Home Government where, as you know, a considerable number of Kenya pensioners live, but nevertheless the increase authorized under the bill will be granted to Kenya pensioners who live in East Africa, India and elsewhere to pensioners who live in those places. The amount of

increased pension is set out in the second schedule in detail, and the greatest increase is 20 per cent. Clause 8, giving power to the Governor, with the approval of the Legislative Council, to add to the first schedule, has been inserted because, as hon. members know, we hope shortly to pass legislation in connexion with a contributory pension scheme, and possibly some pensioners under that legislation may be in need of a temporary increase in pension before the war is over. Clause 9 is important, because it gives this Council complete control over the continuation of the bill, which would otherwise expire.

The bill is a money bill, and I am satisfied that it gives Legislative Council proper control over expenditure, and therefore I commend it to members for their support. The bill also provides relief for the restricted class of those who have served the Colony and who are now, in present conditions, in a state of affairs truthfully said, subject to severe hardships. Therefore I also commend the bill to the hearts of members of Council for their approval.

Mr. TROUGHTON seconded.

Mr. COOKE: Your Excellency, I have been asked by the Kenya-European Civil Servants' Association and the Kenya Tavyaya Association at home—which comprises mainly pensioners—to make a few points. The hon. Financial Secretary has directed our attention to the "Objects and Reasons" of the bill, and they say: "The object of this bill, which is modelled on recent legislation in the United Kingdom... My information is that it does not coincide with the facts as disclosed by the hon. member. I have just received this letter by air mail from the Kenya pensioners at home, in which they say that under section 2 of the British Pensions (Increase) Act the scale goes up to £645 on a tapering basis—our scale stops at £300. There is another point which is very important, and that is, it is true that the age after which pensioners can enjoy these war pensions is 60 years, and that is the normal retiring age in England. But as you know, sir, the normal retiring age in this country is something between 50 and 55 years, so that people retiring perhaps at the present moment at the age of 55 would not be entitled to these benefits. Another point is the question of the date upon which this ordinance will

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[Mr. Cooke] come into effect. I have spoken before in this Council about the dilatory methods in Government often adopts in bringing forward very necessary legislation, and the effects of these dilatory methods are that Government, in effect, catches in on the people, whom, in effect, it is proposed to benefit. I need only mention one instance, the African Provident Fund Bill. That bill was postponed year after year, and was finally brought in last year, but the benefits were not made retroactive. The English Act starts from 1st January, 1943, and I do suggest that if this bill is passed it should be made retroactive to 1943, because there is a large number of pensioners on a small salary who have been suffering very severely from the past year, and to make it date only from 1st January this year would really mean they would lose a year's benefits.

There is another point, that is the means test. I am told, but I cannot verify it, in a letter which I have received that the means test in England is much less harsh than it is proposed to make it here. I know, of course, that it is necessary to have some sort of means test because men, although the pension may be small, may be earning a lot of money, especially during the war, but I do suggest that people are very sensitive on this point, and if it could be made less harsh than it is under the proposals in this bill it would give some satisfaction to the pensioners concerned. Those are the few remarks I have to make.

HIS INTELLIGENCE: It has been suggested to me that, as the hon. member has raised some entirely new points, it would be desirable to adjourn the debate to enable the hon. Financial Secretary and the hon. member to consult together and see what can be done in the matter, rather than to go on with the bill now.

The debate was adjourned.

REVISION OF LAWS BILL

SECOND READING

MR. FOSTER SUTTON: Your Excellency, I beg to move that the Revision of Laws Bill be read a second time.

As hon. members are no doubt aware, the last revision of our Ordinances took place in 1926 and that only included the ordinances in force up to 1st January,

1924. Well, a good deal of water has passed under the bridge since then, and an enormous amount of legislation has been enacted. Some of the ordinances—I have referred to them in the "Objects and Reasons"—such as the Local Government (District Councils) and Local Government (Municipalities) Ordinances, have been amended, in one case I think on 13 different occasions, and in the other case I think ten times, since the principal ordinance was first enacted. It seems to me obvious that, sooner or later, and sooner rather than later, we shall have to embark upon a complete revision of our ordinances but, in present circumstances, such a really vast project is considered impracticable, so that I thought if we now take the power to revise any ordinance we can get on with the job by degrees, it would be a tremendous advantage to the public who have to use and work on the ordinances, and it would break the back of the work that will have to be carried out after this war is over. That is the object of this bill. We hope by degrees to revise all these ordinances that are in general use. It must be extremely difficult for municipalities to work under their ordinance when they have to refer to ten separate amendments in one case, which makes it almost unmanageable.

The bill seeks to confer power on me to revise any ordinance, subject to your consent, sir. Clause 4 sets out the limitation of my powers in doing such a revision. Hon. members will observe that I have not the power to alter the substance of an ordinance—I can do nothing but that which is merely verbal. If there is any substantial alteration to be made, it has to be done by the introduction of a bill into this Council. Clause 5 makes provision for the bringing of any revised edition of an ordinance into operation by you, sir, and clause 6 provides the authority for the revised edition of any ordinance. Clause 7 is merely the saving clause, and clause 8 is a formal provision which is necessary. I do not think I can add any more—the "Objects and Reasons" fully set out the objects this bill seeks to achieve.

MR. BROWN seconded.

The question was put and carried.

MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) BILL

SECOND READING

MR. FOSTER SUTTON: Sir, I beg to move that the Motor Vehicles Insurance (Third Party Risks) Bill be read a second time.

This bill seeks to provide for the compulsory insurance of motor vehicles against third party risks. As hon. members are no doubt aware, similar legislation is in force in practically every civilized country in the world, and there are many people in this colony who feel that this legislation is long overdue. (Hear, hear.) I know from experience in private practice the terrible hardships created by lack of legislation of this kind. I have seen, and no doubt hon. members have, cases of people being permanently injured, and of people being injured by a person of straw, have no remedy. If they brought an action against that person they would obtain no damages but would probably have to pay their own costs. If this bill is enacted into law it will cure that type of case.

I ought to draw attention to the fact that the legislation will not come into operation, under clause 2, until you, sir, bring it into operation by notice in the Gazette. The object of that provision is that it is essential that in legislation of this kind it should be ascertained before it is brought into force that rates to be charged by insurance companies are going to be reasonable. In addition to that, there is an enormous amount of ground work to be done. Certificates of insurance have to be prepared, and an enormous amount of work is thrown on insurance companies. That takes time, and the normal period allowed before bringing a measure of this kind into operation is about six months. It is hoped that, once enacted, it will be possible to bring it into force certainly within six months of enactment. The same clause 2 seeks to give the Governor in Council power to suspend or restrict the operation of the Ordinance. That clause was inserted with the object of affording a greater degree of protection to the public for, after the bill is brought into force, everyone who drives a motor vehicle will have to insure. If at any time the insurance rates become too high and too expensive, it will be

possible for the Governor to suspend the operation of the ordinance. I do not think it is likely to occur, but it is possible that rates of premium will go up and up and make it impracticable to enforce the legislation. That is put in as a safeguard to the public.

Clause 4 makes it unlawful for any person to use or to permit any other person to use a motor vehicle—that is, a mechanically propelled vehicle—on a road unless the insurance has been taken out. Clause 5 provides that, "in order to comply with the requirements of the last preceding section, the policy of insurance must be a policy which (a) is issued by a person who is approved by the Governor, by notice in the Gazette, as an insurer for the purposes of this ordinance; (b) insures such persons or classes of persons as may be specified in the policy, in respect of any liability which may be incurred by him or them in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the vehicle on a road". Clause 7 provides that a certificate of insurance must be issued to the person insuring, and that certificate has to contain all the conditions which the policy is made subject to. The object of the certificate of insurance is that it is a convenient method of proof. For instance, hon. members will probably recollect, that the bill provides that if any person driving a vehicle is called upon by an officer of the police to produce proof that his vehicle is insured against third party risks, that proof will be the production of the certificate of insurance, and in the event of any accident occurring any person involved in that accident may call for the person's certificate of insurance. It is a very useful provision. The insurance companies do not like it, but I think it is almost universal. The bill was submitted by the Secretary of State to the Accident Offices Association in the United Kingdom, and they have made certain suggestions regarding the simplification of this certificate of insurance, which I have no doubt we shall be able to agree to.

Clause 8 is rather an important clause because it provides that certain conditions in the policy shall have no effect. The object of that clause is this: If you allow all sorts and kinds of conditions to be imposed, it may result in a third

[Mr. Foster Sutton]. party who has been injured by deceased of his rights. Clause 10 seeks to impose a duty on insurers to satisfy judgments against persons insured with them against third party risks, notwithstanding that the insurer may be entitled to avoid, cancel, or to have cancelled the policy. The limitation to that is that if the policy has been cancelled before the happening of the event in respect of which a claim arises, the insurer is excused, but if before the accident the insurer has failed, even though he has a right to do so, to cancel the policy, the third party is protected and can recover his damages from the insurer. Clause 15 seeks to preserve the rights of third parties upon, *inter alia*, the bankruptcy of the insured. Clause 16, which I should like to refer hon. members to in some detail, provides that there a certificate of insurance has been issued under clause 7 to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters:— (a) the age or physical or mental condition of persons driving the vehicle; or (b) the condition of the vehicle; or (c) the number of persons that the vehicle carries; or (d) the weight or physical characteristics of the goods that the vehicle carries; or (e) the times at which or the areas within which the vehicle is used; or (f) the horsepower or value of the vehicle; or (g) the carrying on the vehicle of any particular apparatus; or (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the Traffic Ordinance, 1928, shall, as respects such liabilities as are required to be covered by a policy under paragraph (b) of section 5 of this ordinance, to be of no effect. That is common form, except that ordinances and laws in various countries vary the conditions which are stated to be imperative. Clause 17 seeks to exempt a person with an international driver's licence from an requirement that he should carry a certificate of insurance. It requires him to carry such proof that he is insured as the Commissioner of Police may determine. Clause 18 enables the Governor in Council to make rules. Clause 19 provides penalties for offences against these provisions.

It is Government's intention to refer this bill to a select committee of Council. Since its publication, a number of comments have been made, and I do not think any useful purpose would be served by my dealing with them now, but all will be considered by the select committee when the measure is under consideration.

MR. BROWN seconded.

MR. NICOL: Your Excellency, I welcome this bill, and I have already turned over to the hon. and learned Attorney General certain points for consideration in select committee. But there is one point I should like cleared up, and it is this. The hon. Attorney General said that this legislation was more or less universal in all civilized countries, but I believe it is not in operation in either Tanganyika or Uganda. (Laughter.) The point is: what about a motor vehicle coming in from say Tanganyika or Uganda, and if the driver is not insured, but he has an accident, and is perhaps a man of straw? He is contravening the laws of this country, and the poor unfortunate person who is involved in the accident has no redress. The chap will probably go to prison, or something like that, but that does not help. I wonder whether something can be done to make quite certain that vehicles crossing the border are insured against third party risks. I think it is very important that we have this. Of course, I should like to see the bill in both territories, but I do not know whether we shall be able to get that, but in the meantime we must protect our people who are compulsorily insured against visiting vehicles.

MR. VINCENT: Your Excellency, I would like to appear before the select committee on one or two points, but there are some things I should like to mention here. Clause 4 (3) I do not like very much: "This section shall not apply to a motor vehicle owned by the Government of this colony or by the Kenya and Uganda Railways and Harbours." I take it that as usual Government have their own insurance in this matter. I do not know whether the hon. and learned Attorney General in his simplicity has ever tried to sustain a claim against Government over such a matter; if he did, he would find it exceedingly difficult. I think that we should help the civilian population in this, and that we should

[Mr. Vincent]. first of all make certain that they have authority to sue Government—and, secondly, that they have an authority to whom they can go so that they do not get pushed from one department to another and get no satisfaction, and finally give up their claim because they are worn out! I am not being facetious, but this is a very big point. To refer to another briefly raised by the hon. Member for Mombasa, clause 17. I see no earthly reason why anybody coming in with a vehicle to this country, if he has not his insurance policy with him, making the requisite deposit at the port of entry which can be refunded to him when his insurance certificate is exhibited ultimately. In going to South Africa by car you will find in some territories that one of the first questions asked is "Have you got an insurance certificate for this car?" and if you have not you have to make a sworn statement or satisfy the officer that you are really speaking the truth when you say you have insurance. It would sabotage the whole of the bill if people were allowed to come in with vehicles uninsured, and I do not think there would be any great hardship in asking for a deposit at the port of entry equivalent to the cost of third party insurance, and a temporary cover being issued. As you read through the bill, one seems to come across so many points that may or may not arise, as it always the case in matters of insurance, that I prefer to leave the rest of my questions to the select committee.

MR. PARDOO: Your Excellency, I am also glad that the hon. member has confessed that a measure such as this has been somewhat delayed in this country; I remember that the Associated Chambers of Commerce have been reiterating year in and year out a resolution recommending such a measure to be introduced into this Colony, and I am glad that after all this bill has been brought before Council. As the bill is going to select committee, I do not propose to deal with the various details, except under clause 5, where authority has to be sought from the Governor for a person to issue a policy. In this connection I would like to suggest that any company or any person who is a member of the Accident Insurance Association of Eastern Africa should be automatically authorized to issue a policy.

That is a well constituted body, and any member of it should have the right without having his name gazetted by the Governor. If any person is not a member, only in that case should the sanction of the Governor be sought.

MR. BUCHER: Your Excellency, I very heartily welcome the bill before Council. It concerns the Africans, and will continue to do so in increasing measure as they become the owners of an increasing number of motor vehicles and, further, the very large number who travel in motor vehicles as fare-paying passengers, and it is only right their interests should be safeguarded and that steps should be taken to ensure that, in the case of an accident, the just sums required are forthcoming. I therefore wish to ask a question of Government, a matter already touched on by the immediately preceding speaker, that is in connexion with clause 5 (b). I should like an assurance from Government that every step will be taken commensurate with the steps it is proposed shall be taken when the bill to control life insurance with natives comes before Council, to ensure that African owners of vehicles are not seduced into insurance with companies unable to pay in full the liabilities that may be incurred in the terms of the Insurance if an accident should take place. I would ask in the interests of the African community that every step be taken by you, Sir, and by Government generally, to be quite certain that African drivers of cars who, under this bill if it becomes law, will require to effect insurance, will do so with firms of whose integrity Government are fully convinced.

MR. COOKE: Your Excellency, one point has occurred to me during the debate, that we should get an assurance from Government that, if the bill becomes law, there should be a tightening up of the tests for drivers; indeed, a re-test of drivers periodically. Otherwise we are going to have a degree of risk anticipated by insurance companies for which in their own interests, they will probably have to pass on the premiums by increasing them for all people insured, and these are very high in this country at the present moment. The hon. Member for Mombasa raised the matter during the debate on the budget, but the assurance from Government was not very

[Mr. Cooke] satisfactory to me, because I have watched these drivers being tested, and it is often done, in a very perfunctory manner. Unless we get that assurance the bill will react on careful drivers, who will be penalized by having to pay bigger premiums for the risks of indifferent drivers.

Mrs. WATKINS: Your Excellency, I am glad to welcome the bill, for we have needed it for a long time. There are a great many young people driving cars who cannot afford to, and other people have to pay for their accidents. I am very much reassured by the statement of the hon. Attorney General that there is going to be some control of the rates. That seems to me all-important, because we know that as soon as a thing is enforced by legislation and we cannot get away from it, there is going to be a combine, or monopolist, of which I am always afraid—I have seen what has been done in the old days in the coffee market—and we shall have very little redress against such a monopoly. I should like to suggest that a standing committee of this Council should be formed to consider the control of this matter for the first five years, so that we have some control over the rates operating. It seems a protection for the public which should be given when they are being told they have got to pay over to a profit-making company the money, as they will have to, for this insurance. We must have our protection there. I am

also given to understand that there is a ceiling above which no damages are paid. To my mind, if you pay insurance the ceiling should be the damage which is done to another person, I believe, but I am not quite certain. I am informed on reliable authority, that at home if it is over a certain amount either the victim does not get it or you pay it yourself. I do not know why that is. Another thing about it is the age limit. Quite a lot of us citizens have been out here for many years and are going on in years, and I suppose that in another ten or 15 years the younger generation will be wondering whether we are fit to drive. I think there should be either an annual test or perhaps a slightly increased insurance, for it seems very bad luck when a very much respected citizen of this town a short time ago, who had been insured over a period of years, suddenly found

that he could not get his full benefit because in the meantime he had reached the age of 65 or 70. That seems to me perhaps a little hard luck.

Another point is that in clause 1.1 should like "road" defined, a public road or otherwise. As our cars as well as ourselves grow older, they are generally retired on or from *shambas*, and if we have the misfortune to meet another car on the *shamba* I do not think we ought to be sent to prison because we are not insured. I also want it defined this way. It seems to me that if a lay person is unversed in law, an insurance company would be able to get round it by saying that if an accident happened on one's drive it did not happen on the road. I should like that point made clear. I very much agree with the hon. Member for Nairobi South that if it is going to be impossible to sustain any claim against Government, I tried in my innocence once, and it is one of the many things I have failed to do in this country. You cannot sue the Crown without the permission of the head of the department, and if he does not give it it cannot be referred to someone else, and there we are. There should be some body, as the hon. member said, but I think that body might be combined with one that is going to control the rates, because I do think it is absolutely essential that we do not deliver ourselves over tied and bound to the insurance companies until such time as they become quite impossible, and we should have our advisers and this Council to appoint three to consult on our rights. I support the motion.

MAJOR KEYSER: Your Excellency, I agree with what I presume is the underlying principle of the bill, which is insurance on third party, but, reading through the bill, I cannot see under what conditions the third party is insured against injury. In the memorandum of "Objects and Reasons" it states "The original bill for this measure, which deals with the compulsory insurance of motor vehicles against third party risks"—motor vehicles, but in the bill there is nothing about insurance of motor vehicles but of persons who own or are authorized to drive motor vehicles. What I am getting at is this. If an unauthorized person steals a car, drives it up the street, and knocks a pedestrian for six, there is

[Major Keyser]

no redress for that pedestrian at all under this bill. One of the objects of the bill I thought was to insure an injured person against such cases, but under this bill definitely that is not the case, and I think it a great weakness and detracts from this bill. The other thing which should be incorporated is some system by which there would be different sets of premia. It is quite obvious that premia should be paid in proportion to the risks involved. In quite a lot of parts of this country there are numerous people who use their cars on very few occasions with very little risk. Take two instances, one of the hon. members on the other side of Council who hurry down to their office in their car in the morning and again at lunch time, will probably pass through the town four times a day. The risks involved in driving a car by that person are very much greater than those of a farmer who gets into his car once a week and leisurely trickles into town to do his shopping, and leisurely and soberly trickles home again. (Laughter.) It seems to me entirely wrong that the farmer should pay the same premium as the hon. member whom I visualized tearing through town. I believe it is the practice at home to allow for different premia to be paid according to where the car has been registered.

MR. RODINS: Your Excellency, I would like to deal with a point raised by the hon. Member for Nairobi South in connexion with the Railway Administration. First of all, I should like to correct a statement made by the hon. Member for Mombasa. A third party insurance scheme is in force in Uganda. Regarding the point made relating to the Railway Administration, as the hon. Member for Nairobi South said it is the intention of the Administration to carry its own insurance, and that to be done in Uganda. There is one point further, that the Administration, in the name of the High Commissioner, is a corporation which can be sued, so that in effect claims made by a third party which are not satisfactorily dealt with that action can be taken and, furthermore, steps are also taken to see that financially we are in a position to carry out these obligations. No difficulty has arisen in Uganda, and in fact claims have been satisfactorily paid out in Uganda by the Railway Administration.

MR. COULDREY: Your Excellency, we have heard in the course of debate precautions that are to be taken to prevent insurance companies from raising their premia. I should like to have heard the Government were going to take steps to get them to reduce their premia. It is pretty obvious that if there is any need for the bill at all, more business will ensue, and therefore if Government says "We are giving you all this extra business by legislation," at the same time it is incumbent on them to say "You must therefore reduce your premia". I went into the office, and I have had an instance on vehicles; ever since I have had one, but I went into the cost the other day and it is pretty obvious that the insurance companies are not insuring for the benefit of insuring altogether. They are naturally making money out of it, and it is pretty obvious they are going to have a tremendous increase in turnover, and seeing that you are compelling us to insure you should do exactly the same as in other walks of life and say "We are going to control your profits". Therefore, I think it incumbent on Government, when they introduce a measure of this sort, to take all the reasonable steps they can take to see that the public is not unduly fleeced or pays more than it should. I was very glad to see the hon. General Manager rise to his feet, because I thought he was going to object to seeing the Railways put after Government in one clause of the bill. (Laughter.) I support the bill.

MR. RENNIE: Your Excellency, there are only two points to which I need refer. The hon. Member for Mombasa raised the question of similar, if not simultaneous, legislation in each of the three territories. The history of this matter is that the three Governments in East Africa gave consideration to the question of enacting legislation of this sort so far back as 1938. At the beginning of the war Uganda actually introduced a bill similar to this, but on further consideration withdrew it. I personally was not aware that legislation of this sort was actually in force in Uganda at the present time, nor, I gather, was a fairly prominent member of the Uganda Government with whom I discussed the matter recently. (Laughter.) But the fact is that we so very long ago, when this Government considered the introduction of this

[Mr. Rennie] legislation, we had in mind the point raised by the hon. Member for Mombasa, namely, the necessity of introducing as nearly simultaneously as possible similar legislation in the three territories. I discussed the matter with the Governors of Uganda and Tanganyika, and asked whether they had any objection, in view of the fact that we were anxious to proceed with this legislation, to our getting on with it straight away. They said they had no objection, and the result is the introduction of this bill to-day. I may add that we have also asked the neighbouring Governments of Tanganyika and Uganda whether they will be prepared to introduce similar legislation in view of the fact that we hope to pass this legislation in the near future. We have not had a reply to those inquiries yet.

The only other point I need refer to was raised by the hon. Member for the Coast regarding the question of tightening up the regulations as regards the testing of drivers. I think, if I may say so, that it is a very important point that he has raised, and one that, although I am not in a position at present to give him any assurance about it, I will certainly take up with the Commissioner of Police to ascertain what his present testing methods are and whether it will be possible to improve the procedure as regards the testing of drivers. I shall leave the hon. Attorney General to deal with the points raised in connexion with clause 17, but I think it is obvious to all of us that as it is worded at present it is not complete and will need some amendment to cover the points raised in connexion with it. I have no doubt that this is one of the clauses to which the select committee will give consideration.

Mr. Foster Sutton: Sir, regarding clause 17, I think it definitely can be improved, but I would point out that the clause does not absolve a person from the requirements of the ordinance—he is bound to be insured. It is only the proof which is made less strict, the proof that is now required to produce a certificate of insurance. He may produce any document which the Commissioner of Police approves which shows that he is driving a vehicle which is insured. There is no point, the hon. Member for Nairobi South will agree, in Government insisting. The trouble about suing Government is

something we should concern ourselves with in other legislation, not here. At the present moment it is difficult to sue the Crown for a tort—you have to sue the head of the department personally, because you cannot sue the Crown for a tort, but I have no doubt that that difficulty can be got over with a little goodwill, because Government would reimburse any of its officers sued for anything occurring in their department. (Mr. Vincent: We hope!) The difficulties are not as great as some hon. members seem to think and, in any event, this is not the measure to consider the question, and we should have to consider it in other legislation dealing with the Public Works and other departments.

The hon. member Mr. Béchecr said he hoped that Government would take care that any companies operating in this Colony are sound financially. That is the whole object of clause 5: "is issued by a person who is approved by the Governor." And I can give this assurance, that no Governor would approve of any company embarking on third party insurance in the Colony unless it were financially sound: The only companies that would be approved would be companies who the Governor was satisfied had sufficient assets to cover any liabilities that might arise in the Colony. As hon. members probably know, in the United Kingdom the insurance companies under the Act are required to make a very large deposit, I think £20,000, in respect of each class of insurance they carry, but it is not considered necessary here because there is no point in making a deposit unless you earmark it for the persons insured, and there is always a great deal of opposition from the insurance companies if in the colonies they endeavour to make these deposits, because little or none of the capital is tied up, earning little or no interest. The hon. Member for Kiambu said she would like "road" defined. Unless my eyes are wrong, she will find this in clause 3: "road" means any public road within the meaning of the Public Travel and Access Roads Ordinance and includes any other road, wharf or steading to which any other road, wharf or steading, of motor vehicles are capable of being driven". It is not intended that this should cover vehicles if driven on private roads. If a person chooses to drive on his own property there is no reason why he should

[Mr. Foster Sutton] be insured. I think the provisions in clause 2 do provide safeguards asked for by several hon. members. First of all, the Governor obviously would not bring the bill into force until satisfied that the rates of premia are reasonable and then, as I pointed out, if at any time the insurance companies began pushing up rates beyond what was considered reasonable the operation of the ordinance can be suspended, I think they provide adequate safeguards.

The question was put and carried.

Mr. Foster Sutton moved that the bill be referred to a select committee comprising himself as chairman, Mr. Robins, Mr. Tomkinson, Mr. Nicol, Mr. Coudrey, Mr. Paroo.

Mr. Brown seconded.

The question was put and carried.

CUSTOMS TARIFF (AMENDMENT) BILL

SECOND READING

COMMISSIONER OF CUSTOMS (Mr. Northrop): Your Excellency, I beg to move that the Customs Tariff (Amendment) Bill be read a second time.

The principal point is contained in clause 3, but for the convenience of hon. members I will take the clauses in numerical order. Clause 1 provides for the operation of the measure on a date to be announced by notice in the Gazette, and this is in order that simultaneous action can be taken by the territories subject to the Customs Agreement, particularly in regard to clause 3. Clause 2 proposes certain concessions under the customs tariff to members of the consular services of foreign countries. By order of the Governor in Council it is proposed to grant concessions only in the case of those foreign countries where similar privileges are extended to members of the British consular service in those countries. The standing tariff item relating to consular goods will be found on page 2 of the bill, and this item allows free of duty goods imported for official use at any time and personal goods of members of consular services only on first arrival. The arrangement that it is proposed to make will extend to personal goods imported during a permanent official's

period of office and will not be confined to personal goods on first arrival only. The United Kingdom and United States have already concluded, in December, 1943, a reciprocal arrangement on the lines indicated, and in order to fall into line hon. members are asked to agree to make the effective date of clause 2 the 9th December, 1943. The hon. and learned Attorney General will move an amendment to the bill during the committee stage. The amount involved by the concession during the past year was approximately £600.

Clause 3, as the "Objects and Reasons" indicate in the first and second paragraphs, proposes to change the definition of value which applies to goods liable to customs duty as a percentage of the value. At present, the law defines value as the current domestic value in the country of export plus all charges up to the place of importation. The proposed change is for the assessment of *ad valorem* duty based on the price the goods would fetch in the open market at the place of importation, and this price or value is qualified by certain assumptions which in general indicate that the value for duty purposes represents a normal sale of goods between a buyer in the Colony and a seller in the country of dispatch, and that freight, insurance and other expenses have been paid by the seller. It will be appreciated, therefore, that in normal circumstances, namely in the case of a straightforward transaction, where the price is the sole consideration for the sale of the goods, the amount of duty collectable will not be different in practice to that in force at present, but the procedure of my department will be greatly facilitated by the adoption of this clause as in a case of doubt a true landed value of goods will be more easily ascertainable than the current domestic value in the country of exportation. The new definition has been in operation in the United Kingdom for some years and has worked satisfactorily, and also in certain colonies, for instance the west coast of West Indies, and has been recommended by the Secretary of State for adoption in all other dependent States. I may say that the subject of this clause has been fully discussed with the trading community through the various commercial organizations and Chambers of Commerce, and has met with general agreement.

[Mr. Northrop]

Clause 4 is a more suitable wording of the present section 5, and is designed for the Commissioner of Customs to accept a lower value than the actual landed value of goods in instances where it would be inequitable to assess on the landed value. Such a case would be where goods were imported on hire for a short period. Clause 5 is connected with clause 2 and, as drafted, proposes to delete the standing tariff item relating to consular goods. When the bill was drafted, it was thought desirable to re-introduce the provisions of tariff item No. 153 by an order under the general provisions of clause 2, but it has been found after consideration that a more workable arrangement would be to leave the present concessions provided under tariff item 153 as they stand. The hon. Attorney General will move an amendment to clause 5 in the committee stage.

MR. TESTA seconded.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 4th January, 1945.

Thursday, 4th January, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 4th January, 1945. His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 3rd January, 1945, were confirmed.

EX GRATIA GRATUITY

WAMKOYA WAMBUTI

MR. TESTER: Your Excellency, I beg to move: "This Council approves, as an act of grace, the payment of the sum of Sh. 280 to Wamkoya Wambuti, attendant, Native Hospital, Kapasbet, representing a gratuity in respect of his satisfactory service for the period from 1st July, 1930, to 31st July, 1944. While this employee would have got under the regulations a gratuity on the completion of 15 years' service, which would have been in 1945, unfortunately he was sick and had to be invalided with heart trouble. In the circumstances, Council is asked, as in many previous precedents, to agree as an act of grace to pay him the amount of Sh. 280 as a gratuity."

MR. FOSTER SUTTON seconded.

The question was put and carried.

PAN-AFRICAN CONFERENCE

FOR PLANNING AND DEVELOPMENT

MR. VINCENT: Your Excellency, I beg to move: That this Council, noting and supporting the unanimous resolutions which were passed by the Legislatures of Southern Rhodesia in May, 1943, and Northern Rhodesia in June, 1943, considers that no further time should be lost in endeavouring to achieve the fullest collaboration in examining the problems common to adjoining British African territories and, therefore, requests the Secretary of State for the Colonies to urge the British Government to invite the Prime Minister of the Union of South Africa to arrange a conference immediately, to include non-official representatives from Kenya Colony; in order to plan and co-ordinate the development of British territories in Southern, Central, and Eastern Africa.

[Mr. Vincent]

Hon. members will note that the wording of this motion is not merely a plous expression of opinion that such a conference should be held. It has been deliberately framed in such a way to ensure progressive action. In it we request the Secretary of State for the Colonies to urge the British Government to invite the Prime Minister of the Union of South Africa to arrange this conference.

In moving this motion, I must give a certain amount of back history in order to explain the justification of our request, and in doing so I want to quote the two resolutions which were passed unanimously by the Southern Rhodesia and Northern Rhodesia Governments. They are as follows. The Southern Rhodesia motion read in this way: "That this Government request the Secretary of State immediately to approach the Government of the Union of South Africa with a view to arranging a Pan-African Conference of Governments for the purpose of planning and co-ordinating the development of South and Central Africa, without further delay". The Northern Rhodesia Legislature passed the following: "That Government convey to the Secretary of State the opinion of the Unofficial Members of this House that Northern Rhodesia should be represented at any Pan-African Conference held for the purpose of planning and co-ordinating the development of South and Central Africa, and that representation on such a Conference should not be confined to Officials only". In the first resolution you will note that the urgency, in the opinion of the Southern Rhodesia House, was contained in the word "immediately", and in the latter it was assumed that such a conference would be called.

At the outset let me emphasize, one very important point. This motion is introduced from an Imperial point of view. There is nothing in it that suggests or implies a lack of allegiance to the Crown or disloyalty to the British Government; we are merely asking the right to confer with the territories to the south of us which, after all, are constituent parts of the British Empire. It has no political nor constitutional significance whatsoever, and I am confident this will become increasingly

apparent as I proceed. The question may be asked: Why should the Premier of the Union of South Africa be asked to arrange this conference? Well, Southern Rhodesia was certainly right in making the suggestion in the first place. Who but this great man should be asked, in whom both Houses of Parliament and, in fact, the whole of the United Nations, have such tremendous confidence? (Hear, hear.) This outstanding world figure, who has done so much for Africa and who, during this war, has saved Africa untold misery by his patience, his unflinching courage, and whose vision and judgment have been so superb, and I should not be surprised that, when the history of this war is written, we shall learn that it was Field Marshal Smuts who probably, with great insistence and that great vision, influenced the United Nations to clear Northern Africa first so that we could get the freedom of the Mediterranean and start our great campaign against Hitler in the underbelly of Europe. (Hear, hear.)

The local Press has reminded us recently that Field Marshal Smuts made a statement 15 years ago, which was as follows: "The essential unity of our African problems should be recognized by instituting an Annual Conference for their discussion, to which all the British African States, from Kenya to the Union of South Africa, will send delegates. It is too much to ask the young and immature communities in the North to bear the whole weight of the vast issues upon which they are now embarking, as well as to bear the brunt of continual differences with Downing Street. There is great experience in the South which ought to be rendered available for the North. For a century and more South Africa has laboured and suffered over the very problems which are beginning to agitate the young communities in the North. This experience should be helpful beyond the Union. Many mistakes made in the South will then be avoided in the North; many new mistakes threatening in the North will appear as such in the light of South African experience." He referred, 15 years ago, to the continual differences with Downing Street. These should, in my mind, increasingly disappear by virtue of good government—good statesmanship and, above all, by our own actions.

[Mr. Vincent]

Again, recently, in discussing the Union of South Africa's pan-African policy at the National Congress of the United Party, Field Marshal Smuts said—and you will note that he does not attempt to hide anything, his statement is a clear honest-to-god statement, the type of statement we have been used to receive from him: "The extension of South Africa's markets in future will be indisputably to the North, so let us cultivate closer relations with these territories and do everything with them together by closer industrial relations to foster our common interests with them. We should concentrate on having a great market for the future. These are the lines of our pan-African policy—by which we mean, not one big State—that you may leave to future generations—but an African community of States working together with each other." Continuing he stated: "There was a great deal to be said for a closer relation between South Africa and all territories to the North, but South Africa had a tremendous problem of her-own to solve before she could tackle unification with the territories to the North of South Africa". He added: "We can set that on the reserve list for future generations to attend to. On the other hand, we have important common interests with those territories which must be developed".

So much, therefore, for the fact that over a period of 15 years we have an example of Field Marshal Smuts' continuity of that particular consistent realization that a conference such as we ask for is vitally necessary in the interests of all these territories.

What gave rise to the Southern Rhodesia request? As you know, in Southern Rhodesia, as I will point out to you from a quotation from their debate, sometimes they are not easy over their relationships with South Africa. I have read the Hansard of this debate, which runs into 33 pages. Most of the members of the House spoke for it, and although it was evident from reading the debate that members of the House did not agree on other matters, it was very apparent that on this matter there was a solid feeling that such a conference was necessary, and the whole debate was on a very high level, sincere, and most constructive. From the outset I was struck

by the very able way in which Mr. Fletcher—and I do not know him, I do not know which party he represents—as the mover introduced the motion, and his evident sincerity throughout. His opening remarks, which, I will quote, set the level of the debate, and the fundamental assertion made by him was not questioned but strengthened by the tacit acceptance of it by each subsequent speaker. The passage in his speech which I refer to is, as follows:

"I want to make it perfectly clear that this motion is not directed at, does not ask for, and does not imply any constitutional changes. It is an appeal to the Colony to take her right place as a responsible unit in the scheme of Africa. It calls, upon Rhodesia, to assert her individuality. Sir, it is a great pity that whenever any person in this country suggests that our Government should contact the Government of the Union of South Africa, or if anyone suggests that our Government should have anything to do with that Government, that person is immediately suspected of endeavouring to sell our birthright. People with that narrow and perverted outlook are a menace to the Colony. Such complete and total isolationism can do nothing but retard the progress of the Colony. Sir, if that isolationist outlook is allowed to dominate the horizon of political thought Rhodesia is doomed to become a backwash of Africa. We can best serve the interests of Southern Rhodesia by vigorously pursuing a bold policy of planned pan-African development".

The Premier of Southern Rhodesia also took part in the debate, and I wish to quote now a very significant paragraph from Hansard on the subject. He stated: "Therefore I say I think the hon. member's motion is a good one, but I think at the present stage it is academic and I think the time will come after this war when I believe it has almost been accepted in Europe now that Africa is to be a separate problem, that those of us who have our roots in Africa will have to point out clearly to America and Europe that the settlement of African questions has to be left to the people in Africa". I wholeheartedly agree with Sir Godfrey Huggins, but I am not content to leave this very important question until after the war. I will refer to this point again later, but I do state with a

[Mr. Vincent]

great deal of confidence—and it must be remembered that the Prime Minister gave vent to this expression of opinion over 18 months ago—that if he were asked the same question to-day he would most certainly say that he agreed with me that we cannot leave it till after the war.

The Northern Rhodesia motion, moved by the nominated member for native interests, Col. Gore-Brown, assumed that the conference asked for would be held, and asked for non-official representation on it, and the spirit of his acceptance of such a conference is contained in the following quotation from the Northern Rhodesia Hansard: "Actually, if anybody has paid me the compliment of listening to one-quarter, even one-tenth of what I have said in previous sessions of this House, I think they will appreciate that it is almost an article of faith with me that this country cannot progress, can barely continue to exist, in its present position of isolation. Every single thing that has occurred since the outbreak of war has underlined that point of view". Continuing he stated: "All our interests are inextricably linked up not only with Southern Rhodesia, but with the whole of Africa generally".

As far as Kenya is concerned, hon. members will remember that this is no new idea. Our great leader, the late Lord Delamere, 20 years ago when accompanied by Col. R. B. Turner, he made his way to South Africa to visit the new Prime Minister, then General Hertzog, and also had conversations with General Smuts; he then went on to Rhodesia and interviewed the first Prime Minister of Southern Rhodesia, Sir James Coghlan. His was rather a voice crying in the wilderness, but the vision, the intention, and the inspiration were there. Then, two years later, he made his way painfully down the track then called the Great North Road, and organized at his own expense a conference between neighbouring territories. We have two surviving Kenya members of that conference in Lord Francis Scott and Major H. F. Ward, and they pay a great tribute to Lord Delamere's profound sincerity and unquenchable enthusiasm. His endeavours, in my opinion, are not overshadowed by any of the

endeavours yet made, because those conferences were held in the face of very great difficulty and, in some cases, lack of support.

So much for past history. What is the present attitude of the British Government on this matter? We have had Colonel Oliver Stanley here, and have talked to him and drawn our conclusions. I found him very forthright, willing to face the issue, and willing to express definite opinions and, as far as planning in Africa is concerned, he came up to my expectations in the debate which took place in the House of Commons last June on colonial affairs. I am going to quote a lengthy passage from his speech, because I do not want to be accused either here or in England of taking any passage from his proper context. Col. Stanley stated: "I feel that the really important thing, apart from pressing on as hard as we can with the execution of what schemes are practicable, is that we should be ready for the post-war period. We should be ready for the time when these limitations will disappear, not suddenly, of course, but gradually as things improve. What we shall want by that time will be not just general ideas, but actual plans capable of being put into effect immediately. This is being put into effect immediately. This is necessary, not only from the point of view of the development of the Colonies, it is essential for the demobilization period, as a means of reabsorbing into civilian life the many hundreds of thousands of Colonial people who are now in the Forces. I have during the last year tried to set up and get working the necessary machinery to insure that planning is going on in all the Colonial territories. There are certain principles which we have to have in mind with regard to this planning. The first, I should say is that there need not be uniformity between Colonies, and it is not for us to insist that every Colony should try to do exactly the same thing. There must be co-operation between them and an avoidance of overlapping. The second principle is that detailed planning must be done on the spot. On practical grounds it cannot be done from London. We have to remember that these people are growing into a nationhood, and they are entitled to plan for themselves. We cannot impose on them in that way, although we may advise and assist with

[Mr. Vincent]. plans drawn up in London. . . The third principle is that there is need for new organs. We are asking Colonial Governments to take an interest in things which before the war were considered largely outside their concern. There was very little machinery before the war for economic machinery before the war for the encouragement of industry, and that is a deficiency we have had to fill. . .

In giving vent to this very clear and concise opinion, Col. Stanley appears only to be able to take the parochial view. By that I mean he can only deal with the territories which came within his particular jurisdiction. Other ministries would immediately have become involved, and therefore he was talking of these territories, this colonial block of territories to the north. I agree that his ideas are sound and good, but they have not been given the widest application. His answer to this request for a conference may be twofold. First, "I have just set up a Central African Council embracing Southern Rhodesia, Northern Rhodesia, and Nyasaland and, after all, you have your Governors Inter-Territorial conference consisting of Kenya, Tanganyika, Uganda, Zanzibar, Northern Rhodesia, and Nyasaland, and have I not already set up Planning Committees within each territory?" But that is not enough. Planning Committees in each territory are fundamental—without them everything else falls. Therefore, I want to show you exactly how the Central African Council and the East African Governors Conference will not serve the purpose of the conference which we suggest. Let me deal with the two bodies mentioned. Let me deal with the East African Governors Conference first.

I cannot believe that that body has ever developed along the lines upon which it was conceived. During this war especially, it has become increasingly apparent that it only needed one Governor to disagree with proposals to entirely sabotage that co-ordination and co-operation which we had the right to expect of the East African Governors Conference. Like any system introduced into any business, unless it is carried out in its entirety and completeness, it becomes more of a danger than an asset to the business. The air of secrecy, and

lack of information, given the public on any large issue or any large decision made—if there ever were any made—makes it appear to me that the East African Governors Conference at the present time as at present constituted is merely there to give us the impression that co-operation is taking place and something is being done. Now, I do not wish you to confuse the East African Governors Conference as such with the East African Governors' Conference Secretariat, which has become, firstly under the very able guidance of Mr. Gurney and now Sir Charles Lockhart, a very competent inter-territorial executive, always approachable, always able to appreciate the other view, and always ready to take action unless prevented from doing so by the "active consideration" of some subject by one of the Governors by a member of the East African Governors' Conference. I am afraid that on some occasions it happened that that frustration might have been caused in order to uphold the dignity of some particular colonial kingdom! (Hear, hear.) I feel, therefore, that the continuance of the Governors Conference as at present constituted is not in the best interests of these territories. (Hear, hear.)

It was thus with a considerable amount of relief that I read the statement issued by the Imperial Government regarding the Central African Council, a statement made by the Secretary of State, Col. Oliver Stanley, in the House of Commons on the 18th October regarding the proposed Central African Council. The idea is all right, but so much depends on sincere operation. A portion of this announcement is as follows: "It has been agreed with them (that is the Prime Minister of Southern Rhodesia and the Governors of Northern Rhodesia and Nyasaland) that concrete and positive steps should be taken to ensure that this co-operation is effective and comprehensive. With this in view, it is proposed that a standing Central African Council covering the three territories should be established on a permanent basis, and that a permanent Inter-territorial Secretariat should be set up. The Council will be consultative in character and its general function will be to promote the closest contact and co-operation between the three Govern-

[Mr. Vincent].ments and their administrative and technical services. Its precise functions and constitution will be matters for consultation between the three Governments, but it is contemplated that it should deal with communications, economic relations, industrial development, research, labour, education, agricultural, veterinary and medical matters, currency and such other matters as may be agreed between the three Governments. It is contemplated also that permanent standing committees of the Council should be set up to deal with communications, industrial development, research and such matters as may be agreed upon, and that in addition *ad hoc* conferences should be held under the aegis of the Council to deal with technical and special subjects. It is intended that leading unofficial members of the Legislative Council in Northern Rhodesia and Nyasaland should be closely associated with the work of the Council and its committees."

Here we have at least the Imperial Government evidently prepared to use the experience of the unofficial members in such a Council, but its obvious weakness again is that it is merely consultative, and, as I stated before, any one Governor by repudiating its decisions can render its work entirely abortive. And, believe me, bitter experience has taught me that such things can happen, and have happened. However, it may be a step in the right direction. On the other hand, of course, in operation it may prove to be mere window dressing.

We come to the point of urgency of this conference. As I stated, the Premier of Southern Rhodesia said that in his opinion Africa would become a separate question after the war. We cannot afford to wait until then, and I believe it is realized down throughout Africa to Capetown to-day that we cannot afford to wait. Africa, because it is split up into so many small territories, has not got a united opinion, and therefore there is great danger of it becoming quite an after-thought at the peace conference. I understand that regional councils also will be the result of the peace conference. Regional councils may be a source of great good or, like some bodies, they may be a source of great evil, and I maintain that we who are

going to be endowed with such regional councils have a right, before they are created, before their terms of reference are made, before their powers are made, to discuss them, so that we may by intelligent anticipation avoid any disaster of just being brushed aside and told to be good boys, because "you are under the Colonial Office." Why the delay? Why the delay in calling this conference? Eighteen months have passed, and we have never been given any reason why this conference has not been held. After a very genuine, wholehearted request Southern Rhodesia has been quite ignored publicly. It cannot be said that the time is inopportune; that we must get on with the war and forget everything else, because every one of the United Nations, or many of them, to my certain knowledge have devoted an enormous amount of time and work to post-war planning and post-war development, and it seems ludicrous to me that we are unable to plan our post-war development without knowing what our neighbours are doing. How are we going to plan sanely and on the right economic basis our industries, any post-war industries, if we do not know what South Africa is doing, because their industries have expanded enormously during the war, and we may find in actual practice that many of our projects may have to entirely disappear once we have examined the systems which they have instituted in South Africa. On the other hand, there are lots of things from this country the South Africa will need, and we may be able to supply, and so make we reciprocal arrangement with them. We have done so during the war, and there is no reason to suppose that we are going to be precluded from doing so during peace time. Our neighbours—the Portuguese, Belgians, and the French—we must not hold a conference in case they are offended may be the reply! Well, in the case of the African Transitional Peace Conference held in 1936 all these territories had their observers. We have nothing to hide, and if these neighbouring territories want to know what we are planning, what we are doing, I can see no reason why they should not have their observers at such a conference, and that it is one course I would strongly advocate in order to prevent any misunderstanding or for any excuse for not holding the conference.

[Mr. Vincent]

I will not dwell very much on the causes of the delay as I see it, because they must at the best be matters of conjecture, but there are two points which we have got to face, and I believe these two points have been the means of continuing these barriers, which we rightly can ask to be removed, between this colonial block of territories, Southern Rhodesia and South Africa. Those two points are: native policy and the South African political situation, which I will come to in a moment. Mr. Fletcher, in talking of the ignorance of the rulers in England of Africa, said: "Academic student groups get together and lay down policies for colonies and territories concerning problems about which they have not the slightest practical knowledge. I believe that Pan-African Conferences would promote a far better understanding of the African problem and lead ultimately to a solution of a problem which has to be solved." I go further than Mr. Fletcher. In my opinion the British Government has pondered far too long to various bodies in England who are entirely ignorant of the facts of the case, and some of them do not want to know the facts of the case because, if they did, they would be precluded from coming on their regular form of vice-slanting the white communities in Africa. I feel that we should rise above this criticism, if we are sincere in the decency and purity of our own motives, but unfortunately, as I stated, the home politicians do not seem to be strong enough to do so.

Is this conference being delayed because of fear and suspicion? The fear that such a conference will give rise to very inconvenient political questions? and suspicion, that awful suspicion, which people in England have of anything which is initiated by the unofficial white communities in Africa? If these are contributory causes to the delay in sanctioning the conference, I say we must break them down, because there is no real warrant for them. Inevitably we have to face it. Fear and suspicion will centre round the question of native policy. I believe that in practical results one has to have theory in the first place. The difference in the native policy in Southern Rhodesia and in South Africa as compared with these blocks of terri-

ories is not really that great gulf which our enemies and some of our misguided friends would have us believe. I have been in Southern Rhodesia recently, and also in South Africa, and I believe we are as much to learn from them on native questions as they have to learn from us, and let me say at once that I am certain that no hon. member of this Council would for a single moment be influenced by any action of such a conference to do anything which was inimical to the native interests of this country. (Hear, hear.) Of course, I expect we are probably the only people to believe that! (Laughter.) I often wonder, if South Africa and Southern Rhodesia adopted an identical native policy to that which has been adopted by the colonial governments, what other bogey would be raised in order to keep this enforced separation between us, and in that I have said quite a lot. Another fear probably is the possible influence of South African politics and probable changes in their government. With this I am in no way concerned, not a bit, and I believe that fear has no foundation whatever in principle. Governments are destined to come and governments are destined to go in South Africa as in every other country, but whatever Government is in power in South Africa surely the first thing would be the policy of the good neighbour and, secondly, that with their increasing industries there is no reason to think that they will not want the markets already described and asked for by Field Marshal Smuts, and if we are so stupid and weak as to be influenced by any change in South African politics then we deserve all we get. But I maintain that this country will do nothing of the kind. I also claim that such a conference as we ask for will be in the interests, finally and indisputably, of every community.

I wish to briefly refer to the support given to this conference by the Press. The South African, Rhodesian, and Kenya Press have all supported the holding of this conference, and I know of no project which has had a greater or more anxious support from any portion of the Press at any time. The South African Press, for instance, in discussing what use this conference can be and what it can do has, like the Kenya Press, not contented itself with generalizations, they give the subjects, and I will quote briefly

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that part of the support from the South African and Kenya Press. The former stated: "There is ample scope for wider African collaboration and less restricted intercourse in all departments of economics and trade (including the reduction or abolition of tariff barriers) as well as frequent consultation on policies relating to defence, agriculture, mining, public health, transport and communications, education and native affairs". The Kenya Press stated: "Nor is it only in terms of Native Policies that a Pan-African Conference would prove of great value. Defence and communications, by land, sea and air; scientific research; agriculture, medicine and education; industrial development and commerce—those are only a few of the subjects which a Pan-African Conference could discuss with great advantage to all the peoples of Africa. From it there might emerge some form of permanent Regional Councils. Certainly there should emerge a reinforcement of "the steel framework of the whole ambitious structure of African civilization".

Apart from the Press, surely history has taught us that the closest possible collaboration with South Africa and the Rhodesias is essential. Have they not twice during our lifetime during the last two years come to our assistance when we were in dire straits? Have we been dependent not only on the great forces from the Union of South Africa but on the great assistance given us by the Rhodesias, especially the men of Southern Rhodesia, those great fighters and comrades in arms and good companions? Surely we are entitled to be one with them in our planning? Those wars especially the present one, have hurried Africa over the years, over time and space, and we must take every advantage of the benefits, though they may have been benefits brought about by the war, and not let us sink back into pre-war apathy and obvious artificial division. When the war ends, unless we take great care that we have an efficient planning organization to do this and to ensure the continuity and close co-operation with these territories to the south of us, then we shall find ourselves slipping back into the mire of uncertainty and retrogression.

Let it not be assumed that, in presenting this motion, I have forgotten the very great debt we owe to Great Britain, and our duty after the war to help to restore and develop the Colony as also to try and develop the British Empire. (Hear, hear.) But if we are not going to put our own house in order, I maintain and submit that it is quite impossible for us to properly perform our obligations to the British Empire as a whole. Planning for Africa must be done in Africa, that is what Col. Stanley meant; there can be no other interpretation put on it, and he was the frank admission of the Secretary of State, and the apparent change in outlook and policy of the British Government towards their colonies; but all we ask is to go one step further. The pity of it is that the same terms of reference which have been set up for this Central African Council were not set up by the British Government for this very conference to which we are referring and have asked Field Marshal Smuts to arrange. There would have been some sense in that we should have had the whole co-ordinated picture before us and known the results of our planning, and been able to get on with the job based on facts and on intelligent planning. But, under present circumstances, I submit that it is quite impossible for us to do so, though I am hopeful that, as a result of this motion, the British Government will call this conference without any further delay.

Finally, I would say to the fearful, hesitant, and suspicious, that no matter what the grounds are upon which your fears are based, above all else remember Africa, this great Africa, has a right to discuss and plan its own destiny. (Applause.)

Sir, I beg to move.

MAJOR CAWENISH-BENTINCK: Your Excellency, I beg formally to second and reserve my right to speak at a later stage in the debate.

HIS EXCELLENCY: Before the debate is resumed, I should like to say this: that the motion is one which, by its nature, requires that official membership; it is desirable that official membership should not speak or vote on it. But I should not like that to be taken as an indication that the Government of this Colony wishes to adopt an isolationist attitude. As in 1936, so in 1945, if this

(H.E. the Governor)

(Government were invited to take part in any conference with neighbouring states in Africa, whether in the Union or elsewhere, we should be exceedingly happy to participate. (Applause.)

MR. SHAMSUD-DIEN: Your Excellency, I am sorry that I cannot find strong enough words with which to oppose this motion. We have already enough troubles in this Colony, and even when there was talk about an East African Federation there was a good deal of opposition to it from the adjoining colonies. Instead of talking about any affiliation of this Colony with South Africa, directly or indirectly, I do not even like to think about having anything to do with South Africa. Yet we should certainly wholeheartedly support this motion and this proposal of a conference if the South Africa Government would remove all the disabilities which are an eyesore, not only to the Indians settled in South Africa but to the whole of India to-day. I have just returned from India, and I know what the feelings there are about South Africa and the way the Indians who have settled there are treated.

I think that although in Kenya we have quite a lot of disabilities in this Colony as compared with South Africa, we are far, far better off here. In South Africa, as far as any franchise for Indians is concerned, nobody would hear about it. The hon. mover has talked about the British Empire. After all, we are Indian, and India belongs to the British Empire, and we ought to be treated as such, but in South Africa I need hardly mention the most obnoxious disabilities and humiliations to which Indians are subjected.

The hon. mover said he was not concerned about the Governments in South Africa and whoever is in power. Although I associate myself entirely and completely with what he has said about Field Marshal Smuts, I have been to South Africa twice and was there in 1940, and from what I have seen of it I think the feelings of a very large community against the British is so evident that I do not think the hon. mover should even think of taking part in any conference which would perhaps mean the affiliation of this Colony with South Africa. I think we are perfectly happy alone in Kenya: sir, I think the hon.

mover knows about a large society called the Ossewa Brandwag in South Africa, which is entirely anti-British, so much so that I do not think he would be very enthusiastic about this motion if he knew of their activities or their attitude towards the British.

HIS EXCELLENCY: I do not want to call the hon. member to order, but I would point out that he is answering a motion that has not been proposed.

MR. SHAMSUD-DIEN: I am opposing it most vehemently and cannot find strong enough words.

HIS EXCELLENCY: It is not that this Colony be affiliated to South Africa, which is what the hon. member appears to be speaking to.

MR. SHAMSUD-DIEN: I do not want to be a party to anything that means any affiliation or association with South Africa of this Colony, and I think if we are a party to any such conference it might ultimately be so. We, at any rate the Indian community of this Colony, would be jumping from the frying pan into the fire if ever we consented to be a party to any such conference. I do not wish to take up the time of Council, but I do say that, as far as the Indians in this Council are concerned, we strongly oppose this motion. As I said, I am strongly in favour of any conference for the affiliation of states if they remove all the disabilities that exist at the present moment against the Indians in South Africa.

MR. MATHU: Your Excellency, I should like to congratulate the hon. mover for a very excellent speech: I do not think I have listened to a better speech than the one he made on this motion. I think it was a very good effort indeed. I should like, however, to make a few remarks on the motion, and to divide the motion into two parts. The last part says: "The Prime Minister of the Union of South Africa to arrange a conference immediately to include non-official representatives from the Kenya Colony, in order to plan and co-ordinate the development of British territories in Southern, Central and Eastern Africa". That is the last bit of the motion. "To plan and co-ordinate the development of British territories". I have very strong fears which the hon. member suggested

[Mr. Mathu]

could be dispelled; but they are so strong that I fail to see how I can dispel them, particularly when I know the South African situation in regard to the policy for development there, and if it is day South Africa is to take the lead in planning and co-ordinating development it is, not, I think, too much to suggest that a possibly some of the plans and some of the co-ordination which are at present existing in South African states might be transferred to our Kenya Colony here. It is on these grounds that I feel very strongly that there would not be sufficient assurance to dispel my fears and the fears of the African people in this Colony over the policies which affect African people as practised in the Union of South Africa. If, as we have been assured, there would be no political implications, then I would not be the first person to oppose this motion for a conference of the leaders, but, as I have suggested, from the point of view of practical policies I fail to see how those assurances can be guaranteed. Politically the African in South Africa is in a very difficult position. We in Kenya have taken the very generous step in associating the African people in this land with the affairs of the Colony. That is a step which the African people in this land like to feel is going to be maintained, and that more Africans on this Council will take their place and help in framing the future of this Colony. But if their hopes are overshadowed by fears of the aspiration of South African native policy, I hold that the situation we have in Kenya will be psychologically intensified and be unhealthy.

On the economic side the South African situation is not much better than the political situation. The economic colour bar obtaining in South Africa is a thing that would not make the African people in this country run away if they felt the suggestion of that kind of economic disunity and colour bar were to be introduced into our Colony here. Therefore, if on their behalf, it is my painful duty to oppose this motion on those grounds, that we in Kenya are doing very well, and I hold that it is possible to continue the co-operation on commercial and economic matters with South Africa as we are doing now, but

that that co-operation does not mean unification or anything else that means copying the South African policy to our Colony here. If you will excuse me, sir, I mean to mention that one economic difficulty is the question of land. The Africans in South Africa are almost landless, and if we had to be allowed to plan and co-ordinate matters of this country with South Africa and possibly there was a suggestion that the African would lose some of his land in this country, I think it would create a situation which would be unhealthy and undesirable. My final point of objection on that last part of the motion is on the social aspect of the South African situation. The social services of South Africa of recent years have been extremely expanded, and they have done actually more than people here thought they would do for the African people ten years ago, and I agree that they should be commended, and they should know that our African people not only in South Africa, but other parts of the British Empire appreciate the South African social services for the African in education and health. But there is one limiting factor to that positive movement, social services, namely, that the African is very well educated, but there is not labour in the market for him. Therefore, you see that the positive side of the development is hindered by the negative approach in making use of the material that has been so well produced by the South African state. It is that fear, I reiterate, that moves me to oppose the motion.

The second part of the motion, on which I should like to make my observations is the first part, which is: "to achieve the fullest collaboration in examining problems common to adjoining British African territories". The first part refers, I take it, to the territories of Kenya, Uganda, and Tanganyika. I hold that we should do everything possible to co-operate with the adjoining territories in matters that are of common interest to all of us, but I should like to mention that in the Joint Committee on London and Union which was held in London before which the African members in Kenya gave evidence, there was a strong objection by the African representatives of unity of these three territories at the present stage of African development, both in the political and economic

[Mr. Malibu] spheres. I should like to say that the time of that committee has not very much differed from the time we are living in in Kenya to-day, that the state of African development in the political, economic, and social spheres does not justify our unifying these territories, because we know that they will not be able to play their part with the other members of the communities in running the affairs of the three territories. I feel that there is no person more pained than I am to have a negative approach to problems of this kind, because I believe that negativity does not lead a country anywhere. I hold that we should first of all make a change in our constitution here associating Africans more in the government of the country, training them in the economic sphere and providing more social services and proper food, and when they are ready to play their part we are sure they are willing to do so, then we can talk about the unifying of the three territories, because all natives would be able to take part in running the affairs properly. But, as it is, I hold it is not the case, and therefore I have the very painful duty to-day of opposing this motion.

HIS EXCELLENCY. I do not want to have to call hon. members to order again, but I must ask them, when opposing a motion, to oppose a motion that has been moved. There is no question of the unification of any territories; that is not before Council and is not being discussed. The motion is that there should be, in the express terms set out in the order paper, a conference held for discussion between various territories, and I shall really have to ask any hon. member who insists on opposing a totally different motion not before the Council to sit down.

MR. BEECHER. Your Excellency, when I first saw the motion on the order paper when notice of motion was first given, I was not a little uneasy. I felt myself that all I could possibly do when this motion was debated in this Council would be to abstain both from debating and from voting, but I now find myself in a somewhat embarrassing situation. While appreciating the points that my colleague has made, I find it necessary for the first time to dissociate myself from the sentiments that he has so very

ably expressed in this Council this morning. I have listened to the debate so far, and in particular to the most able speech of the hon. mover, with very considerable interest and with growing assurance. As I listened to the hon. mover not only reciting his point of view as from the point of view of the Elected Members Organization of this country, and also making reference to the speeches that have been made elsewhere in Africa in this connexion, and to the references which have been given to the subject in the Press, I became convinced that the motion which is now before Council is not designed to have any political significance, nor is it designed to raise constitutional issues and, above all, it is not in any way designed to disturb racial issues but rather to seek for their settlement. (Hear, hear.) I am convinced that by entering into the discussions to which this motion makes reference, this country as a whole—and, moreover, no sectional interest concerned in this country will in any way be selling its birthright by adopting the motion and accepting the terms it sets out, we are committing ourselves to do nothing but study, and I submit the time has come when this country can no longer blindly pursue a policy of insularity.

The fact that Col. Gore-Brown, himself representing native interests in the territory in which he raised this very large issue, realizes the interdependence of the various British possessions in Africa, is itself very significant. He realizes something which I think we must realize here, namely, that African interests to take one section involved, African interests are larger than territorial conferences, and are linked to many problems which have defied solution for so very long must be sought on a pan-African basis rather than a purely insular one. I freely admit former fears which existed among many of the African peoples in this country, in particular of South African policies in general; and, as my colleague has already indicated, the African in this country has no desire whatever to be assimilated into South Africa's political machine—nor into South Africa's native policy in particular; but as you, sir, have already pointed out, that is not the intention of the motion which is before Council.

[Mr. Beecher] Recent study has made it abundantly clear that there is much to be learnt from the social and economic action—I would underline the word "action", for it is not merely empty speaking—which has to be learnt from the soc. and econ. action which has been taking place in connexion with African affairs for African betterment in other parts of Africa. Therefore, I have no fear whatever of committing myself and, indeed, I shall have no fear in committing those whom it is my privilege to represent, to a programme of study. If as a result of the study of this conference we are satisfied there is something to be gained by going further, then we can proceed. If we are dissatisfied with the results of the study, if we are dissatisfied with the results of the conference, I for one, who have been a fairly outspoken critic both of Government and my colleagues on this side of Council, will reserve the right to say so, to say quite definitely that I am dissatisfied, and to withdraw. But at this stage I feel that there is nothing to be lost and possibly a great deal to be gained by entering into some such negotiations for study collectively with other British dependencies in Africa in order that we may seek more rapidly to solve these great problems which confront us.

Your Excellency, I support the motion.

MR. PATEL. Your Excellency, I rise to oppose this motion as it stands. From what has been said in support of the motion it is quite clear that the intention is that the leadership of such a conference should be taken by South Africa, and it is very likely that the sessions of the conference which will also be held there, the conference which I wrote down from the speech of the hon. mover was to the effect that "we are entitled to be one with them," he meant South Africa. That in itself convinces me that the intention is the non-official Europeans in this of the Indian community has always been compelled to oppose for reasons which are very well known.

In this motion, the first part supports the unanimous resolutions which were passed by the Legislatures of Southern and Northern Rhodesia, and the text of

the resolutions read by the hon. mover indicated that the intention of those Legislatures was that there should be a conference of Central and Southern Africa. Therefore to these resolutions I have no objection because Kenya is not mentioned. Again, his motion says: "This Council considers that no further time should be lost in examining the problems common to adjoining British African territories, and therefore, requests the Secretary of State for the Colonies to urge the British Government to arrange immediately." My greatest objection is against the proposal that the British Government should invite the Prime Minister of South Africa to convoke such a conference. We Indians, and I include even Arabs with me, are fully convinced that the Europeans who have made their permanent homes in Africa are not yet influenced by the liberal thoughts which are to-day prevalent in England and the America. We have full confidence in the Imperial Government as our home for this reason, that they are largely influenced in dictating the policies in African territories by modern thought and multitudes tend to create a new social order where there will be levelling process and also an attempt to give justice to all. I must say, however unpleasant it may be, that the Europeans who have settled in Africa and made their permanent homes here, have always claimed a privileged position without due regard to the rights of other communities, and they have always maintained, they have always sought, to have permanent political power in their hands, and also economic power, in the hands of a small minority. On the other hand, Indians have always had faith in the Imperial Government. Time after time the Imperial Government has given assurances which are contrary to placing permanent power in the hands of a small section of the population. That is the reason why I for one oppose any lead given by any person outside the home given by any person outside the home parliament, the House of Commons, in England. If such a conference is considered necessary and advisable, I for one would be quite willing to examine it if it is called by a Minister from England, but if any lead comes from South Africa, I as an Indian strongly oppose it.

[Mr. Patel]

Further, in this resolution it states: "requests the Secretary of State for the Colonies to urge the British Government to invite the Prime Minister of the Union of South Africa to arrange a conference immediately to include non-official representatives from Kenya Colony, in order to plan and co-ordinate the development of British territories in Southern, Central, and Eastern Africa". I am not opposed to any effort that may be made for studying the co-ordination of plans, but I am fully convinced in my mind that any such conference arranged by South Africa will overshadow all other territories, and that is the reason why I oppose any conference where South African politics will be considered. As far as Indians are concerned, we are fully convinced that South Africa is not able to see the point of view of non-Europeans. Even the great Prime Minister, General Smuts, for whom I have a very great respect, with all his international fame, failed to see the Indian point of view. I will go further and say, however unpleasant it may sound, that he has been compelled by his electorate to commit breach of agreements made with India and Indians, and his last step, the Pegging Act, on the eve of the last general elections, was nothing but a betrayal of all the high ideals for which humanity is fighting to-day. (Members: "No, no.") That is the reason why I am opposed to any conference where delegates from South Africa will speak, and that is why I am opposed to any conference called by any South African of whatever eminence and fame.

As Your Excellency has indicated, I will not go outside the terms of the motion before Council, but there are certain references made by the hon. mover of which I must speak. He said that there was essential unity of African problems. I am not competent to express an opinion on that, but I would say that in any talk of political, economic, and social problems affecting territories which are under the Colonial Office and those which concern South Africa, there is hardly much in common between them. There was a reference made about continual differences with Downing Street from a speech made either by Field Marshal Smuts or some other person.

I would say that the Colonial Office has often made an attempt to do the scales of justice evenly, and this did not suit the local interests of groups who tried to entrench themselves in power politically and economically. They were able to influence policies in spite of official majorities in the legislatures, and whenever they could not get their own way to extend their power they had differences with the Colonial Office, and it should not be overlooked or forgotten that in East Africa the Indians and Africans would not have even got the justice they have obtained in regard to land and other matters if the Colonial Office had not been at the back of these colonial governments. The Government of this country had an experience some 22 years back, when they were threatened by the local settlers, and if the Colonial Office had not been at the back of this Government I am afraid that to-day Indian members would not be sitting in this Council even in the small number they are, and the hon. member Mr. Mathu also would not be in this Council, if the control of the Colonial Office had been relaxed 20 years back.

That is the reason why I am definitely against any association with South Africa, whose declared policy is of racial superiority, where they want to permanently enslave the negro of a small section of the population in that territory, who desire to see that even the municipal franchise should not be granted to Indians and Africans and other races residing there. To have anything to do with that territory, in my submission, is to betray the high ideals for which this war is being waged. I may say that many times in this Council I have heard praises bestowed upon the progress made in South Africa and of what we can learn from them, but I would say that from what I know of the Indian history of thousands of years back, when powerful immigrant races entered India, we got them the same position as we have to-day with the white settlers in South Africa, that they behaved in the same way as South Africans are doing to-day, and the result was an abominable caste system. South Africa is leading the whole continent towards a caste system, with groups separate in themselves, and a permanent division between man and man. In India the caste system was created because

[Mr. Patel]

the immigrants which entered India thousands of years back behaved in the same way as the white settlers do in South Africa to-day, and, accidentally or coincidentally or by some design of universal forces, India also started with four groups as is the case with South Africa, with Indians, coloureds, Europeans, and Africans, and in them are tribal groups as there were in India centuries back. South Africa has given nothing to the whole continent but a civilisation based on racial pride and persecution of non-whites which will have to be abolished by future generations, perhaps after some centuries of strife, as has happened in India. That is why I oppose the motion before Council.

MAJOR CAVENISH-BENINSKI: Your Excellency, the motion was so fully covered by the hon. Member for Nairobi South that there really is not very much that I can usefully add thereto. Such remarks as I would have added have been rather taken out of my mouth by the speech made by the hon. member Mr. Baecher. I have often wondered what future generations may think of the present attitude to each other of British dependencies in Africa and of our ridiculous suspicions and criticisms of each other, and of our apparent dislike, if not detestation, of profiting from each other's experiences and investigations. And that is really the basis of this motion. The exact lack of means of transportation, of very primitive conditions, no longer exists, and here we have the ridiculous spectacle of a number of States, the majority of which are British dependencies, all duplicating necessary dependencies, all duplicating necessary work, necessary research, in trying to build up civilization in these countries. I therefore fail to understand why this motion is opposed by anybody who resides and has his interests in this country. It is unnecessary, some of us answer some of the allegations, some of the bases of opposition, put forward, because you yourself, sir, from the chair, have pointed out that those bases are really without foundation in that the motion has never suggested any constitutional changes or any political affiliation with territories to the south of us; that is to say, with the Union.

The hon. member who last spoke takes exception to the motion, as I understood,

chiefly because it was being suggested that we should ask the Secretary of State to request the Prime Minister of the Union to call this conference. I think the hon. member explained why. That hon. member suggested that the Prime Minister of the Union was, in fact, an unsuitable person, and he pinned his faith to the Colonial Office or to what he calls members of the British House of Commons. I cannot resist pointing out to him, in amplification of what the hon. mover has already said, that, but for the foolishness, loyalty, and energy of that wonderful old gentleman, the Prime Minister of South Africa, he would be none of us, but he is to-day. (Hear, hear.) I would also point out a fact which he perhaps has overlooked, and that is that our eminent and so well known is Field Marshal Smuts that he was not only a member of the British Cabinet during the last war but when he goes to England during this war he is, in fact, not only a Privy Councillor with the Order of Merit and a field marshal, but he is, in fact, a member of the British War Cabinet to-day. I thoroughly support this motion, and I support the way in which it was framed, and my chief object in speaking is to make it abundantly clear that, as far as the European members on this side of Council are concerned, we are unanimously in supporting the motion put forward by our leader Mr. Vincent.

MR. VINCENT: Your Excellency, I am flattered by the outspokenness in the discussion of this motion. I have a great regard for the hon. Indian members, but I am afraid that in this case they have allowed what I may term their hysterical fear to overcome sane logic. I did my best to overcome in presenting this motion to give assurances which, however, I have been unable to accept, and I now understand it. From our point of view we seek to derive any benefit we can from the mistakes or successes of the territories south of us, and I say to them that the speeches of the hon. members Mr. Shamsud-Deen and Mr. Patel have I am afraid, made me come to one sad conclusion, and that is this: that one of the things which this conference has not been held is probably because of the extreme pressure brought upon the Colonial Office or Dominions Office by the Government of India. I do not think

[Mr. Vincent]

that the Indians, the Asiatics, the people of India generally, would expect Africa to govern India, and I submit, that it is quite logical and reasonable to say that it is just about time that the India Office ceased governing Africa. (Applause.) In saying that I say it with cold sincerity. I have no feeling against my fellow men in any way whatsoever, and I do hope, and reiterate it, that it is only by our own efforts and by proof of our own sincerity in action, that our Indian friends' present attitude towards us can be altered.

I am very grateful to you, Sir, (to not interrupting the hon. member Mr. Mathu, I did not do so, although I felt at one time that I was entitled to do so. I am very glad that he was so outspoken, because it proved to me that he was having his opposition to this motion on fear and complete misunderstanding. I hope, and I am certain, I am so sure of my own conviction in the matter, that, at this conference, has been held the first time who will admit its benefits and admit its non-political character will be the hon. member Mr. Mathu, and I am certain that when he has the opportunity of explaining to this Council that our actions have reassured the whole African population, he will do so. The hon. member Mr. Hecker took, I think, a very wise and very fair course. He weighed the matter up because he believed in the sincerity of this motion. He would not for a moment entertain the thought that I should stand here and make statements which were entirely false and were, in fact, connivances against the African community of this country, among whom I have many friends myself, and I am very grateful to him for his courage in making the very strong statements he made this morning in support of the motion. I do not wish to go into details except to say this regarding the speech of the hon. member Mr. Patel. I am awfully sorry that racial matters had to enter into it. It was afraid it was inevitable, but it has given us an encouragement to know that, as a result of our action we completely dispel that suspicion, then we shall be a long way towards the goal of our success.

From the debate which took place in Southern Rhodesia, I would like to remind hon. members that although the

original motion was worded "South and Central Africa," Kenya was included in the intention of that motion, because I do not want any member to be under the impression that we have twisted it. I was very certain, in order to remove any misunderstandings, that we should insert the word "Eastern" in case this motion was opposed on the ground that we were not included in it. We have brought this motion before Council on all grounds of sincerity. I believe that we can rely on the statements made in the House of Commons by the Secretary of State, and also believe those speakers on both sides of the House of Commons who supported him in this assertion, that planning must be done in Africa. But I must say this in closing, that I shall be disappointed if the Imperial Government refuse to call this conference. I can put in no other way, because I regard this request for this conference as an acid test of the Imperial Government's sincerity in the matter. (Heur, hear.)

The question was put and carried, Council dividing.

Ayes.—Mr. Hecker, Mr. Bouwer, Major Cavendish-Bentinck, Mr. Cooke, Mr. Coulter, Major Joyce, Major Keyser, Mr. Nicol, Mr. F. Messis, Mathu, Mrs. Watkins, Mr. A. Messis, Mathu, Paroo, Patel, Priant, Shomshu-Dan, Sheriff Abdullah Salim, Thakore, 7. Did not vote.—Messrs. Blunt, Brown, Daubney, Foster, Foster Sutton, Hodge, Hunter, Lindsay, Lockhart, Marchant, Mortimer, Northrop, Rennie, Robins, Stronach, Ter. Tomkinson, Troughton, Willoughby, 19.

PUBLIC TRUSTEE'S (AMENDMENT) BILL

SECOND READING

MR. BROWN: Your Excellency, I beg to move that the Public Trustee's (Amendment) Bill be read a second time.

This Bill aims at three things: firstly, to make the principal ordinance more flexible; secondly, to avoid having to apply to the courts for the administration of every estate not exceeding £200 in value; and, thirdly, to save expense to the public. As an example of flexibility, I come at once to clause 2. At present, the only person who can undertake the duties of public trustee under the ordinance is the public trustee himself. If he is

[Mr. Brown]

is sick or away from his office, business has to wait, and clause 2 makes it possible for Your Excellency to appoint a deputy public trustee and an assistant public trustee who will be able to carry out the duties of the public trustee, subject to the public trustee's direction. Clause 3 is designed to prevent sharp practice. By section 4 of the principal ordinance, the public trustee can apply to the courts for probate or letters of administration if nobody else applies within a period of three months from the date of death. An unscrupulous person can apply within three months, and then for his own ends neglect to take any other steps necessary before a court can grant letters of administration, and the public trustee can do nothing; the law has been complicated by the person applying. So this clause seeks to alter that by substituting the words "obtaining probate" for "apply for probate" and increasing the period from three to six months. If, therefore, when the bill begins with a period of six months from the date of death, the public trustee can apply to the court for a grant that is paragraph (1) of clause 3. Coming to paragraph (3), under the existing law the public trustee can, when applying to the court, himself administer a small estate not exceeding £100 in value. This paragraph (3) raises the figure to £100 to £200. Paragraph (4) introduces a new feature. Under the existing law no person other than the public trustee can administer an estate, however small, without first applying to the court. This provision in paragraph (4) gives power to the public trustee to grant a certificate to a whole trustee of administration of an estate which does not exceed £200 in value. The only thing is that the would-be administrator has got to apply to the public trustee for that certificate within 14 days from the date of death.

The object of clause 4 is to restrict persons who really have no concern in the matter at all from applying for letters of administration, and thereby causing a lot of litigation and costs which may well ruin the estate. Clause 4 sets out exactly the persons who may apply as well as says that anybody else must give the court that he has given the public trustee seven days' notice of his intention to apply, the object being to enable the public trustee to step in and oppose his

application. Clause 6 extends to Tanganyika, Nyasaland, and Zanzibar the reciprocity treatment which at present extends only to Uganda. Where a person dies leaving an estate jointly in Uganda and partly in Kenya, and that estate is being administered by the Administrator General of Uganda, the latter can require the public trustee of Kenya to collect the assets of that estate, and the public trustee does not get a penny for it under the existing law. That has proved to be a very one-sided arrangement—because—the public trustee—in Kenya is required by Uganda to act under that section far more than the Administrator General in Uganda is asked by the public trustee in Kenya. The two main points of this clause are, firstly, the public trustee in Kenya need not act under that section unless he is satisfied there is reciprocal legislation in the territories concerned, and, secondly, it makes certain charges which will have to be met when our public trustee acts under that section. One of the charges is that, instead of as now, half the scale fees which are normally paid to the public trustee will have to be paid. The first part of clause 7 is designed to relieve and save expense in the case of an estate where the public trustee has had the assets overseas administered by an attorney and where the only work done by the public trustee here is to distribute the residue of the assets to the heirs in this country. At present, full scale fees are payable, and it is considered that for the work which the public trustee does in such cases one per cent of the gross value of the assets received from overseas is a sufficient charge.

MR. FOSTER SUTTON seconded.

The question was put and carried.

INCREASE OF RENT AND OF MORTGAGE INTEREST (RESTRICTIONS) (AMENDMENT) BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill be read a second time.

The simple and single purpose of this measure is to assist local authorities in the control and management of their housing schemes by exempting such schemes from the operation of the

(Mr. Mortimer)

principal ordinance. That ordinance provides for the creation of control over both rents and the termination of tenancies. We are not concerned at present with the rental side of the matter, as in all these housing estates the rent is fixed and in most instances is below the economic level. There can be no complaint on the ground of rent. The difficulty arises at present on the termination of the tenancies. We are primarily concerned with the housing schemes of Nairobi Municipal Council, although the Bill is made of Colony-wide application and will affect all other housing schemes of local authorities. In Nairobi, the Municipal Council has almost 3,000 separate tenancies and a waiting list of several hundreds. It is an essential feature of any such scheme that the conduct of the people shall be brought under continuous review, and their suitability for continuous residence be kept under close observation. There are rules laid down for observance by the tenants, and they are very frequently broken—sub-letting, excessive visiting of unauthorized guests, the use of the house for the storage and consumption of illicitly supplied liquor, disorderly conduct of all kinds. The penalties for breach of rules must be termination of tenancy, and that must operate promptly and effectively. The Nairobi municipal superintendent of native locations has been acting for the past five years as though this Rent Restriction Ordinance did not exist (laughter), quite rightly too, I think (laughter); anyhow, the bluff has been called and his action called into question, and it is necessary to safeguard the wellbeing of such schemes and the public interests involved therein that an exemption should now be permitted.

In addition to powers of terminating a tenancy for disorderly conduct, it becomes necessary from time to time to remove a tenant from a house and to place him somewhere else. For example, a tenant has his wife and family living with him, and is allotted a family house. By and by the wife and family remove back into their native reserve, leaving the man living a bachelor life. It is quite improper that he should be allowed to continue in occupation of a family house when bachelor quarters can be made available, thus leaving that house

at liberty for someone who really needs it for the accommodation of a family. The location superintendent must therefore have power of removing a tenant to some other quarters. If all these safeguards had to come before the Rent Control Board it would be unnecessary, vexatious, and time wasting and annoying to everybody concerned. For that reason exemption is sought from the operation of the Rent Restriction Ordinance. There is ample safeguard against injustice being done to the tenant in that a tenant who is aggrieved by the action of the superintendent has always, under the rules of the location, the right to appeal to the Municipal Council under whom the superintendent is acting. Therefore I have no hesitation in believing that there are adequate safeguards against injustice to tenants.

MR. FOSTER SUTTON seconded.

MR. BUCHER: Your Excellency, I am somewhat uneasy about this bill, and at the outset I freely admit that I have been briefed by tenants of the municipal housing scheme in Nairobi, to say what I have to say. I do not wish to call into question the facts placed before Council by the hon. mover, but there are certain facts to which reference was made during the budget debate and to which reference must be made again this morning. The short facts of these, namely, that in September, 1939, there were some 20,000 bona fide employees in Nairobi for whom it could reasonably be expected that some form or another of housing should be available. Now I understand that that number has been considerably increased, and there are well over 40,000 persons for whom it could reasonably be expected that housing should be available. Further, it has to be borne in mind that every night some 15,000 Africans in Nairobi go to sleep in places which can be described in no other terms than undesirable. As the hon. mover has already indicated, quite a large number of persons are unhouseholdingly, I believe, 300 Government servants, and the municipal waiting list I understand is something of the order of 1,000. I beg to leave to break off to make a personal explanation, and I should like in this Council to apologize to the Mayor of Nairobi and to other municipal authorities for a misstatement of mine in this Council during the

(Mr. Beecher)

budget session, when I stated that some 1,000 municipal employees were unhouseholded. That was due to a misunderstanding, it is that there are some 1,000 applicants on the municipal waiting list. The occupants of municipal housing are apprehensive, and I feel rightly apprehensive, at the removal of the safeguards which the Rent Restriction Ordinance provides, because they feel that for some offence which may be quite trivial they will be expelled from the municipal housing and will be condemned to that dog-kennel existence that these 15,000 odd Africans in Nairobi have to undergo because there is no other housing available for them.

I would submit that, whereas I see fully the necessity for this amending bill in other than present circumstances, I do not feel that it is right it should be applied at the present time. If there were alternative housing available for them, if they could go to some privately-owned housing and there seek to get a place in which to rest their heads at night, I should not be so uneasy, but in view of the appalling lack of housing in Nairobi at the present time, I feel that the safeguards which the original ordinance does grant to Africans as well as to others in this country at the present time, it should be allowed to continue, and this amending bill is not proper at this stage.

MR. MORTIMER: Your Excellency, I thank the hon. member for bringing forward very strong arguments in support of my plea for the passing of this bill (Laughter). The facts that he has adduced are no doubt correct and candid and are not controverted, and I applaud him for his assiduity in bringing forward in and out of season the facts regarding naive housing in this town. It is very deplorable that there are so many thousands of Africans unhouseholded, and impropriately housed, and it behoves every one—Government, municipal authorities, and the general public alike—to direct their very earnest attention and energies towards a solution of that problem. Those facts strengthen my plea that the housing which is available should be used to the best possible advantage. There is no hardship in this exemption community in passing this exemption measure, because before the ordinance came on to the statute book the situation

was precisely as it will be after the passing of this measure and, as I have already indicated, during the five years in which this ordinance has been in the statute book the situation has not precisely the same, and the municipal authorities have been acting as though the ordinance did not exist. Therefore, I have heard nothing in the hon. member's speech which justifies me in changing my view in placing this bill before Council in the full confidence that no injustice will be done to the African community.

THIS EXCELLENCY: I should like to take this opportunity of saying something from the chair, as one who has had considerable experience in this matter, lest the impression should get about elsewhere when the report of this debate appears that nothing whatever is being done or that the African housing situation in Nairobi is much worse than it is; that it may have been true, it certainly was true, that there was neglect in the past, but what has been done in the last three years since I have been away from East Africa is quite astonishing, and good. It is the best housing scheme of its kind that I have seen in this continent or the Pacific. The Colony does not always get the full credit for what it does, so that it is fair one should say that, while admitting that there is still a great amount to do.

The question was put and carried.

FISH PROTECTION (AMENDMENT) BILL.

SECOND READING.

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

The object of the bill is to avoid time and public expenditure which is involved by witnesses and others having to travel what may be long distances to the nearest magistrate's court for the trial of trivial offences under the Fish Protection Rules. By this bill, if a fishery inspector catches somebody in a trivial offence, somebody who is fishing with a net or, without a licence, for example, he can accept from such persons by way of compensation an amount up to Sh. 200, and confiscate the article. In respect of which the offence has been committed, always provided that the offender himself consents to such

[Mr. Brown] condue. The compensation shall not exceed five times the value of the article in respect of which the offence has been committed or Sh. 200, whichever is the less, and where the article cannot be estimated in value Sh. 200 is the maximum.

Mr. FOSTER SUTTON seconded.

The question was put and carried.

CONTROL OF LIFE ASSURANCE WITH NATIVES BILL.

SECOND READING

Mr. FOSTER SUTTON: Sir, I beg to move that the Control of Life Assurance with Natives Bill be read a second time.

At the present time there is no legislation in this Colony under which the carrying out of life assurance with natives can be controlled. This measure has two objects. Firstly, to make provision that will ensure that any company desiring to carry on life assurance business with natives is a company which is likely to be in a position to meet its obligations. With that object in view the bill provides that no person shall carry on life assurance business with natives unless that person has received the approval of the Governor. I think that if this measure becomes law that particular provision will prevent some of these mushroom companies who have no backing exploiting the natives of this country.

The second object of the measure is to prevent the imposition of conditions in such policies which, in the result, have the effect of defeating the person who enters into the policy of any rights under it. I have come, in my short period in this Colony, across one or two rather interesting cases where the insured's rights have been completely in the result defeated. One example of that was a case in which a certain company was insisting on proof of age. Well, we all know that in all life policies age has to be proved before payment is made, but what they were insisting upon was proof that it was impossible to obtain; that was, a birth certificate. We all know that birth certificates are not universal in this Colony, and in this particular case it was impossible for the wretched insured to produce such a certificate, therefore the company was refusing to pay.

To prevent conditions being imposed in policies which are inapplicable and inappropriate, the proposal and the form of policy, together with any conditions which it is intended to impose in them, shall first receive the approval of the Chief Native Commissioner. That may seem at first sight a rather cumbersome procedure, but I visualize this type of thing happening. Companies who wish to carry on this type of business will submit the type of policy they intend to try and induce natives to enter into, and once that form of proposal and policy has been approved provincial commissioners and district commissioners will be informed that that policy has been approved and the form of proposal by the Chief Native Commissioner, and the companies can get on with the transaction of such business. It will not be, I think, in practice a cumbersome procedure. The bill also enables the Governor in Council to make certain rules, among them rules providing for the submission by the companies carrying on such business of all information regarding that type of business which they carry on. That provision was contended for by the Government of Tanganyika, and I think I am right in saying that the other East African territories intend to enact similar legislation to this now before Council. It is a very short measure, and I do not think I need say any more in support.

Mr. Brown seconded.

Mr. NICOLL: Your Excellency, there are two points that I have been asked to make on this bill. The first is with regard to clause 4. It appears that if a person wishes to canvass for this type of business he has to go first of all and make a call on each one of the provincial commissioners individually before he can be authorized to accept insurance. It is suggested that this may be somewhat cumbersome. When a person happens to go to a provincial commissioner's place of residence it might very well happen that he is out on *safari*. It is suggested that there should be some central authority from whom this particular permission can be secured. The second point is in regard to clause 5, which says: "No person shall accept any life assurance proposal from a native unless the proposal bears the signature or mark of such native attested by a person

[Mr. Nicoll] appointed for such purpose by the Governor". From that it appears that you have to appoint a very considerable number of people for the purpose of attesting these signatures or marks, and it is suggested that matters might be simplified were the medical officer who takes the examination of the native concerned to be the officer authorized to attest a proposal form.

Mr. MATHU: Your Excellency, I would like to make a very short observation on the bill, and to give it my support. I think it is a measure that has been long overdue. I say long overdue because I know cases of Africans who have insured their lives with certain companies in the Colony, and I know that they have been in particular where I know of one case in particular where the person who insured the life of his son or daughter, I forget which, lost a considerable sum of money, simply because, when the insured person died, and the man presented his claim, he was told that the certificate of insurance he held was in his name and not in the name of the son or daughter who died. Consequently he was not the person entitled to the benefits which would accrue on the policy which he held on behalf of his son. If there had been such a measure as this that person would have lost a considerable sum of money, because there would have had a policy control, and he would get the benefits either for himself or on behalf of his son. I hold that this measure has been long overdue and would like to give it my support on behalf of the people it is intended to protect.

Mr. PARDO: Your Excellency, I rise to support the bill. I know the African community, particularly the educated young members and Government servants, are becoming insurance minded, and recognize the benefit of insurance and for the protection of their family and children, and such a measure as this is absolutely essential until they are fully conversant with the intricacies of life insurance. I congratulate the Government on bringing in such a measure for the protection of those people ignorant of these matters. I would like to have seen, however, further security, and that is in respect of what the hon. mover said are

mushroom companies, that there should be a clause in the bill calling for a deposit to be given by those who intend to do work in the African areas. It is not a novel idea, and is universal in other countries where companies are asked to make a deposit as a security against their own integrity. I should like to associate myself with the hon. Member for Mombasa in the points he raised regarding clauses 4 and 5, particularly 5. I consider it is going to be very cumbersome and impracticable, unless Your Excellency appoints a very large number of persons under this clause. The suggestion—the member has made—I should like to add to, that this clause be amended so that no person can accept any life insurance business proposal unless the proposal bears the signature or mark of the native attested by the person appointed by the Governor and/or the district commissioner.

The hon. member said medical officer, he meant a Government medical officer, but my suggestion is to add to the list all registered medical practitioners. An African in a town may like to go to a private practitioner for examination, and the attestation can be done by him. With those remarks I support the bill.

Mr. FOSTER SUTTON: Sir, dealing first of all with the point made by the hon. Member for Mombasa, I do not know if whoever asked him to make the point really envisaged those people rather wished to canvass going round with their hat in their hand visiting the provincial commissioners in order to get permission. All they have to do is to write in an ordinary letter applying for permission to canvass in a particular province. This matter was debated at some length recently at a provincial commissioners' conference. It was appreciated that it might cause some slight inconvenience, but on balance it was considered that as local knowledge might in some cases be useful to the provincial to keep that permission to confer it on commissioners rather than to confer it on some central authority who probably had no knowledge of the canvassers. As the hon. member knows, these canvassers are often selected by companies which are not always careful. It is easy to get one's self appointed as a canvasser, because they always work on a commission basis; and what the companies

[Mr. Foster, Suitor.]
usually want its business and plenty of it. I would suggest that we leave it, let us try it out and see, and if any considerable inconvenience is occasioned I can assure the hon. member that Government will consider making any amendment that may appear necessary in the light of experience.

The other clause that the hon. member and the hon. member Mr. Paroo raised a question on is the point about the attestation of the signature of the insured. That again received very careful consideration. The hon. member will probably recollect that there was published in the Gazette many months ago a bill which sought to do much the same as this bill seeks to do, and there provision was made that attestation should be done by a district commissioner. That was thought to be too inflexible, and the present provision was inserted with the express intention of introducing flexibility, because I envisage the Governor appointing a considerable number of persons. For instance, the hon. member Mr. Paroo said the assured might wish to go to a private practitioner. He knows as well as I do that insurance companies generally select their own medical practitioners, and it is not a case of a person going to anyone he likes; he goes to the person appointed by the company and all the companies will have to do is to write to the Chief Secretary and inform him in which provinces certain doctors will be their medical practitioners and asking if they can be appointed under the ordinance to attest, and the appointment will be made provided they are fit and proper persons, and normally one would expect a professional person to be that kind. I do think the measure as introduced to-day does introduce a degree of flexibility which was absent in the other one and which is necessary, and if we start mentioning names or fixing individuals that flexibility will go. I would suggest that the present provision should stand.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Friday, 5th January, 1945.

Friday, 5th January, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Friday, 5th January, 1945. His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G., M.C.), presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of 4th January, 1945, were confirmed.

DRAFT ESTIMATES, 1945

STANDING FINANCE COMMITTEE REPORT

MR. RENNIE: Your Excellency, I beg to move: That the report of the Standing Finance Committee on the Draft Estimates for 1945 be adopted.

Hon. members will have observed without a hope, undue alarm and despondency, that the report runs to 38 pages and contains 194 paragraphs. At a time when most of us are hardly attuned to the study of long reports, I hope hon. members have found it possible to peruse this report in view of the fact that a number of paragraphs therein discuss important matters. So far as the main points are concerned, we find that on the revenue side the committee recommends that the revenue estimates be increased by £23,180 and the expenditure estimates by a sum of £90,296. The result of these recommendations, if approved, would be that the estimated surplus for the year 1945, namely £73,167, as appearing in the draft estimates presented to Council, is reduced to a figure of £6,051. The reasons for the various recommendations on both sides of the estimates are, I think, explained in the paragraphs of the report, and I do not propose to enter into any unnecessary detail but to touch briefly on the more important points.

Paragraph 4 recommends the insertion of a footnote that was inadvertently omitted from the draft estimates when they were prepared. I do not propose to comment on any of the various items mentioned in that paragraph, but I am sure that if any hon. member wishes more information than is contained in paragraphs 5 and 6 on any items, the hon. Financial Secretary will be happy to supply that information. Turning to the revenue heads, I have little to add to the remarks in paragraph 7. After care-

[Mr. Rennie.]
ful examination of the various items comprising that head, the committee came to the conclusion that the total of the customs and excise head shown in the draft estimates, two million pounds, was a reasonable figure for them to pass. It is true that one of our members was a little doubtful whether we shall reach that figure in 1945 in view of the uncertainty of shipping space, but the rest of us felt that we were justified in retaining that millions figure in the estimates; especially in view of the fact that we were informed by the Commissioner of Customs that the revised estimate for 1944 reached a figure of £2,415,000. That two million figure for 1945, hon. members will therefore realize, is £415,000 less than the revised estimate for 1944.

I should like to invite attention to paragraph 11, which deals with the question of boarding fees in European schools. The committee considered that any increase decided upon in boarding fees in European schools should take effect from the first term in 1945. I may add that the report of the Educational Expenditure Committee which is referred to in paragraph 11, was received only a few days ago, but it is at present under such active consideration that it is possible that a decision will be reached within a few days. Hon. members will note that this is well within the five months' period allowed by the hon. Member for Nyanza for normal active consideration. (Laughter.) The next paragraph in which I refer is 15; which mentions the question of Government motor vehicles. The committee there recommends that the question of the present mileage rates should be reviewed in 1945. The Government feels that that is a very reasonable recommendation, and that a further review is desirable, in view of the fact that the last review was carried out in 1943; the rates then agreed upon were a matter that the Standing Finance Committee of that time went into very carefully. Paragraph 21 recommends that the item referred to there should be reduced from £15,000 to £8,000. Hon. members will find in paragraph 57 the reason for that reduction, namely, that vegetable seeds are now in much freer supply, and the Director of Agriculture informs us that in 1945 it should be possible to market

seeds largely through commercial channels.

The next paragraph to which I would refer is 24, which deals with, I think, a rather important matter. The reasons for this recommendation are given in paragraph 171, and hon. members will find there that as a result of the importation and sale of heifers from Somalia a profit of £7,500 has been made, and it is proposed that this money should be used for the establishment of a central insemination station. That sum should be sufficient for the capital expenditure, and we were informed by the Director of Veterinary Services that, once the station is completed, it should be possible to run it on a self-supporting basis through the fees that will be charged for the services rendered, and it was also his proposal that the station should be run by a management committee which will ensure that the station is run in a way that will be of benefit to the whole country. Paragraph 28 deals with the question of increasing the provision under item 26, Head 11, by £1,000 to £2,600. The reasons are given in paragraph 62, and I will leave it to the hon. Member for Nyanza to explain this proposal in greater detail, since it was he who submitted it to the Standing Finance Committee. The note in paragraph 30 is intended to clarify the position as regards the purposes for which this fund may be used. It was apparent from the discussions in the course of its consideration that some misapprehension existed as regards the purpose of this fund, and it is made clear in this paragraph that these purposes are of a very wide nature, and that the fund can be used for more than the restricted purposes which some hon. members at first had in mind. The result of these recommendations on the revenue side is an increase of £23,180.

So far as expenditure heads are concerned, hon. members will observe that, although a large number of changes are recommended in the report, only an excess of them involve expenditure in excess of £5,000, and only in a few cases is there any important point of principle involved. As regards paragraph 32, I am happy to inform hon. members that Your Excellency has already taken certain decisions in this respect which should improve promotion prospects in

[Mr. Rennie] the Administration. (Hear, hear.) As regards Head 4, Agricultural Department, paragraph 42 and the following paragraphs, hon. members will observe that the committee was impressed by the need for additional staff in the department and that certain recommendations have been made to achieve that object, namely, in paragraphs 42, 44, 48, 50, 52, and 55. I do not think I need enter into any detail in respect of these paragraphs, but would merely mention, since the point is not specifically mentioned in the report, that if the Director of Agriculture is able to recruit additional staff as suggested in these paragraphs, he will then bear in mind the point raised by the hon. member for Rift Valley, the question of pasture research. In paragraph 55 reference is made to the question of soil conservation. Indeed the committee had in mind very prominently the need for doing all that is possible at the present time to intensify and expand the soil conservation measures, but we were informed by the Director that recently he has had difficulty in obtaining the staff he required in the form of assistant soil conservation officers. In order, however, that he might have no doubt that the committee would sympathetically consider any request for additional staff, the committee has recommended that the number of posts provided be increased, from eight to ten and that more men be employed if they can be obtained. There should be no doubt in the mind of any hon. member here that, so far as the Government is concerned, and so far as the Department of Agriculture is concerned, we are only too anxious to do all we can to intensify soil conservation measures. (Hear, hear.)

The next Paragraph to which I would refer is paragraph 63 and following paragraphs dealing with the Agricultural Production and Settlement Board Extraordinary. There is nothing in this head that calls for any particular comment from me. I think, at this stage, but I am sure the hon. Member for Nairobi North will answer any point that any hon. member wishes to have further information about. Paragraphs 64, 65, and 66 all deal with important matters about which some hon. member may require additional information. Paragraph 70 deals with a matter, which came to the notice of the committee in connexion

with more than one department, and there the view is expressed that the need for providing openings for absorbing Africans into the Government service should be kept carefully in mind and suitable posts provided. The committee's view is one, of course, with which the Government is in full agreement, and I will see that this point is brought to the notice of all heads of departments. Paragraph 74 refers to a new departure of considerable importance, namely, the training of social science students in the United Kingdom. In these days when we are paying more and more attention to the question of social welfare, it is important that we should have in this country people who know what they are talking about on the subject of social welfare and who have been trained—who have taken one of the courses which are now given in the United Kingdom. The Government has therefore decided that at present, when it is not possible to spare men to be sent on these courses, it should do the next best thing and send a number of women. (Laughter.) (MRS. WATKINS: Next best?)—and provision has been made in the estimates for the necessary expense connected with the training of three ladies who are being sent to the United Kingdom in the near future. They will take a rather specialized form of course which deals chiefly with housing management. That course begins in March this year, but we hope that when the next general social science course starts in October we shall have more candidates ready to go on that course, since the general course will be of benefit equally with the more specialized course on housing management. I am sure that all hon. members realize the need for trained staff of this type, not only in Nairobi and Mombasa but in other places throughout the Colony, and those of us who are aware of the splendid work done by the worker of this type that the municipality has in its employment at the present time realize what benefits can accrue from the employment of trained staff of this kind. (Hear, hear.)

I would refer to this very brief paragraph 83, in case any misapprehension should exist as regards the reduction of this provision. The fact is that it was hoped to send certain students to Zanzibar and Makerere, but that has

[Mr. Rennie] not been found possible for reasons I need not enter into here. Provision for their expenses is therefore not required, and the committee recommends that this item be reduced accordingly. Paragraph 84 deals with a matter about which there was considerable discussion during the budget debate, and views were expressed by hon. members on both sides of Council about the desirability of ensuring that African teachers receive adequate salaries. With this view I need hardly say that the Government is in complete agreement, and when the question that is mentioned in this paragraph has been examined by the Advisory Council on African Education and the African Civil Service Advisory Board the Government will deal with the matter with all urgency. Paragraph 88. I am sure meets with the general approval of all hon. members of this Council. There, provision is recommended for overseas bursaries for Africans, and I am sure that all hon. members will agree that that is a step in the right direction. (Hear, hear.)

The next two paragraphs to which I would refer are 96 and 97. Paragraph 96 recommends that initial provision under a new item should be made to enable welfare centres to be established in 1945 at Forest Department centres where there are large numbers of forest squatters. The intention of the department is, I understand, that forest villages should be established in the main planting areas with shops, markets and normal village facilities and, as mentioned in this paragraph, the centres will include such buildings as schools and dispensaries; and it is hoped that the centres will be linked up suitably with roads to the nearest road system. Paragraph 97 shows a further progressive step on the part of the Forest Department. It refers to the forestry school for Africans. At the present time, Africans are trained in the ordinary course of their routine duties by the foresters who take them about with them in the course of their work. This proposal intends to set up a forestry school where Africans will receive an adequate training in forestry matters before they actually go out in the field. I have personal experience of the value of such a school, elsewhere, and I am sure that

in Kenya too this will be a very beneficial measure.

In paragraph 104 hon. members will observe that the committee did not forget the point that had been made in the course of the budget debate about the need for the reorganization of the Labour Department. The Acting Labour Commissioner explained to the committee that he had in mind certain proposals for strengthening the staff of the department and that he hoped to submit these proposals to the Government early in 1945, and he assured us that these proposals, if accepted would enable the department to play an adequate part in the labour reorganization after the war. Another new feature to which I would refer is mentioned in paragraph 108, namely the post of judicial adviser. I think that paragraph gives a general idea of his duties, and if any hon. member wishes to obtain further information I am sure that the hon. and learned Attorney General or the hon. Chief Native Commissioner will be pleased to answer any questions. Paragraph 114 deals with the creation of a new specialist post under a rather dreadful name; I gather, however, that the senior parasitologist will specialise in judging borer diseases. If any further information is required on the point, I would refer hon. members to the hon. Acting Director of Medical Services. In paragraph 119 reference is made to a question about which there was considerable discussion in the budget debate, namely, the question of the scale attached to the post of African assistant bio-chemist. That question will be referred to the African Civil Service Advisory Board for advice, and will come back to the Standing Finance Committee thereafter.

Paragraph 121 speaks for itself, I think, and I need not add much except to say that the Government will take such measures as it can in consultation with the other appropriate authorities. This problem, as is stressed in paragraph 121, is very important and one that we must pay great attention to in the near future. Paragraph 122 deals with a matter about which we have had considerable discussion in this Council, and I would refer in that connexion to paragraph 163, which I will deal with in greater detail later on. Paragraph 133 deals with the question of terms of

[Mr. Rennie.] service in the Police Force, and hon. members will note that it is the intention of the Government to appoint a committee to review the police terms of service during 1945. (Hear, hear.) I would now turn to page 18, paragraph 146, which deals with the question of a rural automatic exchange at Kabete. I do not propose to say much about it, because I know nothing about it, but I propose to say a word or two about the question of rates for rural telephone facilities, a subject to which reference was made in the course of the budget debate. The committee in that paragraph recommends that the Government should obtain a comprehensive report from the Postmaster General on the system of charging for rural telephone facilities, with a view to the question of providing cheaper rates being examined by the Government as soon as possible. The Acting Postmaster General has already got that examination in hand, and he informs me—if it is any consolation to those who are paying these rates—that he has found in no other territory any lower rates than are charged in Kenya. But this has discouraged him in no way and he proposes to continue his examination and report to the Government in due course.

In paragraph 152 reference is made to the creation of another new post, namely, the post of soil chemist (roads). As hon. members no doubt appreciate, the Standing Finance Committee spent a considerable time discussing such questions as roads and buildings, and so far as roads are concerned it was impressed with the view put forward by the hon. Director of Public Works that it would be unwise to undertake any further heavy expenditure on roads without the aid of a soils laboratory. The value and importance of analyses of sub-soils and gravel formations in road construction are beginning to be appreciated more and more in countries where heavy expenditure is incurred on roads—I refer in particular to South Africa—and the committee formed the opinion that we should begin to take advantage of the advances that have recently been made in soil economies before we spend further large sums on road construction or reconstruction. As a first step in this direction the creation of the post of soil chemist is recommended. I now come

to paragraph 163, which deals with several matters. The committee devoted a considerable amount of time to the question of tourist traffic in Kenya and also to the question of publicity, and when I mention publicity I am referring not only to publicity directly related to tourist traffic but also to publicity of a much wider nature. The results of the committee's discussions are given in (a), (b), (c), and (d) in paragraph 163, and I think they are self explanatory. If any hon. member would express his views on these recommendations, I should welcome that, since these matters are of such importance that constructive suggestions are very welcome indeed.

• I now turn to head 39, Public Works Extraordinary. In paragraph 176 the committee recommends a number of modifications to the items that were presented under head 39 in the draft estimates as presented to this Council. The notes which are given at the foot of page 24 indicate, I think, sufficiently clearly the reasons for the various recommendations, but they can be divided into two main categories, namely, those of items in respect of which the Director of Public Works felt that he could not carry out all the work for which provision had been originally made, and secondly, those items which were brought to the notice of the committee as being urgent and important, although they had not been included in the draft estimates as originally prepared. I do not think there is any particular item to which I need refer. Hon. members will no doubt note the various important changes that have been made, but none of them involve very large sums of money. In fact, the result of the proposals made in connexion with head 39 are a decrease of £3,786 under the Public Works Extraordinary head. The next paragraph to which I will now turn is 177, which deals with the question of two schools. The committee expressed some alarm at the high tentative estimates that had been mentioned for these two schools, and it considered that the sub-committee which is referred to in paragraph 180 might well examine the tentative estimates that had been prepared in order that the large sums involved might be reduced to such proportions as could be considered reasonable.

[Mr. Rennie.]

Paragraph 180 deals with the subject of costing in the Public Works Department, a matter to which reference was made by more than one speaker in the course of the budget debate. Hon. members will appreciate that this is a matter which could be discussed *en passant*, and the Standing Finance Committee came to the conclusion after a good deal of discussion that the best plan would be for a sub-committee of the Standing Finance Committee, with the Director of Public Works, to go into the costing of various types of buildings which the department is in course of constructing at the present time. I think that all hon. members will agree that this is a sound method of investigating the subject about which many different opinions have been expressed recently.

I would invite attention of hon. members to paragraph 183. I am sure that they will welcome the proposal that additional provision should be made under this item, and I would mention that as the result of the recent debate on the subject of the welfare of the forces in South-East Asia Command the Government asked the Secretary of State to make urgent representations to the War Office on the subject, and you, sir, very recently received a telegram expressing the sympathy of the Secretary of State with the motion that was passed by this Council and informing you that the matter had been taken up urgently with the War Office. (Hear, hear.) Paragraph 185 refers to the establishment of the Auxiliary Police Force with effect from 1st January, 1945. This is a matter that has been referred to more than once in this Council, and I am sure all hon. members will welcome the establishment of this force. Paragraph 189 is self explanatory, but I would invite attention to it because it is one of the few paragraphs which recommend an increase of more than £5,000. There the increase recommended, for reasons which are sound, is £14,000.

That, I think, takes me to the end of my remarks as regards the expenditure estimates. Hon. members will observe, therefore, as I have already mentioned, that the increases recommended amount to a sum of £90,000, and that most of them do not involve expenditure of a large nature but that all of them are of the type which the Standing Finance Com-

mittee felt should be included in the estimates as finally passed by this Council. The only large increase I have mentioned is the increase of £14,000 under item 33 of Head 40 for the sugar subsidy.

I now come to loan expenditure, which is referred to in paragraph 193. Hon. members will realize from the report which was recently tabled in this Council that it is probable that the sum of £50,000 provided under the loan expenditure will be required. So far as the Standing Finance Committee is concerned, it realizes the need for more expenditure, and will be prepared to support such requests as are regarded as reasonable.

That brings me practically to the end of my remarks. The committee is happy, despite the increases to which I have referred, to be able to come back to this Council with a budget which is still a balanced budget. I think hon. members will agree that the increases in expenditure which have been recommended are important and, in a great many cases, urgent, and although the surplus that is now estimated to be of only some £800, the committee hopes that events will so shape themselves in this year 1945 that the working of the year will in fact show a much larger surplus than the one that is now budgeted for; but in these days of uncertainty, especially uncertainty as regards shipping space upon which our customs revenue so much depends, the committee felt that it would not be justified in budgeting for a larger surplus. It may be, as has happened in recent years, that we have been a little cautious in our estimates, and the committee hopes that the end of the year will see a much larger surplus than this one of £6,000.

Finally, I would refer to paragraph 194, with which I am sure all hon. members will wish to associate themselves. (Hear, hear.) The preparation of the draft estimates at any time is a very hard and difficult task, but I think in respect of the 1945 estimates it was worse than usual because of the numerous new proposals that had to be examined and examined very carefully. So far as Mr. Simmonds' work on the Standing Finance Committee is con-

(Mr. Rennie)

I myself, this report, I think, speaks for itself. (Hear, hear.) Reference in paragraph 194 is also made to the work of the Government Press, and I am in the same happy position this year as I have been in the last five years, namely, I have no complaint whatsoever to make about the work of the Government Press. It always comes up to the scratch, and always produces the goods, and I think hon. members realize that just as much as I do. (Applause.)

MR. FOSTER SUTTON seconded.

HIS EXCELLENCY: Before the general debate begins, I should like to make one or two brief observations.

In the first place, I have given directions for steps to be taken at once, irrespective of the more detailed preparatory work, to see if we could recruit a pool of staff and a pool of plant for development projects. (Hear, hear.) We shall in consequence probably have some officers here in advance of the starting of the projects, but that cannot be avoided. If we wait until every project is completed before looking for staff or plant, it will mean more interminable delay.

The other thing is, in case there should be any misunderstanding later, I should like to take this opportunity, it being the first one I have had, to add a word to what the hon. Chief Secretary has said in the matter of promotion. With the consent of the Executive Council I have decided in the case of officers, senior officers especially, who are due for retirement and have been waiting for the end of the war to retire, that we must take advantage of the present situation to "accelerate" these retirements. (Hear, hear.) It is not wise to continue in the state of affairs whereby, as soon as the war comes to an end and we are faced with all our own urgent and immediate tasks, there will be a general exodus of heads of departments and provincial commissioners. We must spread that out.

That brings me to another point which particularly affects the Civil Service, which I feel it is right to state with all publicity from the chair of this Council—that is, promotion is by selection. (Hear, hear.) It is no reproach to an officer that he is not selected for

a higher post. Many a man is, to take my own trade, a first class district commissioner, and it is no reflection on him as a district commissioner if he is not selected for promotion to be a provincial commissioner, any more than it is a reflection on a captain in the Navy if he is not made an admiral. The fact remains that if there is to be selection, it has got to be real, and officers have got to be passed over. The very greatest care that I can exercise will be exercised to make sure that selection is made fairly and without favouritism or any of the other things which can accompany a system of selection. I should be the last man to claim that in making every selection I shall always be all wise and all just. All I can say is that I will do my utmost to be both. (Applause.)

MR. VINCENT: Your Excellency, I should like to congratulate the Standing Finance Committee on a very able and detailed report which I trust will cut short the debate on this report. I would also like to pay tribute to the very excellent presentation of it by the hon. Chief Secretary.

There are several points upon which I want assurances, and maybe a little information. On the first page, paragraph 3, dealing with ordinary free pensions, since they were not funded, I think that an important point when the budget debate was on has been missed. I clearly stated that there is a formula which can be expressed in this paragraph which can be used with intelligence to let us know approximately what our pensions are costing us each year to run this country; that is, the men employed during the year. As there seems to be some difficulty and misunderstanding about it, I have done a little figuring on my own. I have gone through the draft estimates and have extracted all the posts which have an asterisk against them for being permanent and pensionable plus two in the Education Department—the chief inspector and deputy director—which are not asterisked but which I know are pensionable posts. I have come to the following conclusions, and I would like Government to consider next year, that a similar conclusion be arrived at so that, during the intervening years while we wait for a reply from the Crown actuaries, I think the people of this country are entitled to know as near

(Mr. Vincent)

as possible the total cost of running the country per annum. The total figure I have of pensionable salaries—that is the bare salary—is £460,115. To that you add, I know, 10 per cent generally to bring it up to full scale pensionable emoluments. Anyway, for the sake of this computation, let us add 10 per cent, which gives £506,115 as the total salaries—call it half a million for our calculations. For the 1/600th constant pension you can reach 15 per cent on which to give you the cost of pensions per annum, and on 1/480th it is somewhere in the region of 181 per cent. But so as not to exaggerate the figure and being quite conscious that a number of officials are still on the 1/480th constant, let us assume all these pensionable officers are on 1/600th constant, and take the calculation of 15 per cent on £500,000, and the very lowest figure which these pensions will ultimately cost us for operations in 1945 is naturally £75,000. I would ask that some figure of that nature, giving the basis upon which it is computed, be included in this financial statement, and I am very glad that the committee this year have given this financial statement a prior place in their report. Maybe they were compensating us because they left it out of the last year's report.

The next point is one of note. Page 8, paragraph 67, and page 17, paragraph 137. You refer to six pick-ups and six pick-ups respectively, at a price of £200 each. I would like the Council to think that these six pick-ups—they are used military reconnoitred pick-ups. Page 13, Head 17, Labour Department: I attended the meeting of the Standing Finance Committee when this matter was discussed, and I was struck with the earnestness with which the matter was considered, especially by the Government members of the committee. I regard this question, as I stated in the budget debate, as one vital to the country, and I think I am not unreasonable in asking for an assurance from Government that as soon as this report has been considered, we should be informed of the details of the report and also what action Government are going to take on that report. Page 14, Head 19, judicial adviser. I think I shall be in order if I asked Government, under this head—and I think this is the appropriate

time—very seriously consider the real necessity of fixing this fundamental matter of land tenure, and that they do not hesitate in the interests of the whole of the native populations of this country to put in an intelligent and abundant application under the Colonial Development and Welfare Act to enable us to face this issue which is, as I say, fundamental to the whole wellbeing of the reserves and native populations.

Page 20, paragraph 163 (d). Information Officer: The hon. Chief Secretary asked for suggestions under this head, and I make a simple one. First of all, I should like to say that I consider paragraph 163, all of it, is essential, and instead of asking Government what steps they are going to take under (d) I am going to suggest to them a step, a very simple one. That is, to engage a man and put him in the London office and do the job straightforwardly. I believe it is absolutely essential that we get the matter of publicity and information handled effectively for Kenya in London as soon as we possibly can. Page 25, primary school, Nyeri. I hope I am in order in asking Government whether this very vexatious question of the siting of the school, if a decision has been irrevocably made, because I continually get representations from various parts of the country asking that it should be reconsidered. As far as I am concerned, I am only anxious that, wherever the school is sited, it is sited in the best interests of all children.

My last point is one on page 26, paragraph 187, an additional £900 in respect of Type Control. I failed to ask the hon. Financial Secretary before I spoke whether this is assistance for Mr. Vaughan, the Type Controller. If so, I would like as Director of Road Transport to say how wholeheartedly I support any assistance which can be given to Mr. Vaughan, because I think that very few people in this country realize the very fine job he has done for this community. In fact, I think this exhibition befits him—I consider him one of our finest soldiers not in uniform. (Applause.)

Mrs. WATKINS: Your Excellency, I have only got three or four points to make. On what is in regard to page 16, Head 21a, paragraph 127. I should like a little information as to why it is a loan

(Mrs. Watkins)

to Lady Northey Home and not a gift or an interest free loan. It seems to me that, as the Home takes charge of motherless children as well as children whose mothers are out at work or working for the war effort, and it is one of the most important things we have for the European youth of this country, it is rather sad if it has to depend on charity or on making its fees rather higher than those which people are prepared to pay. The fees may have to be high to cover the bare cost of the children whose people cannot pay, and because of that I think there should be some reconsideration of this item, either this time or next, and we ought to take on our responsibility towards those children and enable either a *per capita* grant to be made or some other way found to assist the Home. I notice that the Post Office Savings Bank pays the public 2½ per cent, but we are charging the Lady Northey Home nearly 3½ per cent. The next item is on page 15, paragraph 129, loans to private hospitals. I do not know if I am right, but I take it that means non-Government hospitals. Whether municipal hospitals come into that I do not know, but I want to bring up the tremendous shortage of beds in the now municipally owned maternity hospital in Pumwana. I heard one of the doctors there say that the women cannot stay until they are fit to go. I failed to get the figures of how many cases are taken in and how few beds there are, but they shocked me when I heard them. I have not confirmed the figures and so would rather not quote them here. That matter should be gone into.

Page 18, Head 304, Prisons Extraordinary. It seems to me an extraordinarily good heading, because it is included one of the extraordinary prisons in this country, and it is extraordinarily good. I welcome very much the development there. But I should like to suggest that that development should take the form of repetition elsewhere. I think that Government is unaware that the young officer does a first class job of work, and encouragement would mean more to him than anything else; to be told, for instance, he has done a grand job of work and that Government would like him to repeat it somewhere else. He has done building, and got the prison farm and provision for the juvenile people grandly

organized, and the whole thing is in tip-top order, and I should like to ask Government to give all the assistance they can not only to the development of that particular form of prison and farm but also to similar institutions in other parts of the Colony. There are one or two anomalies connected with it, it would seem to me, as an ordinary lay person and not a financial expert, that when a man builds a house at a cost to Government of about £60 it is rather unfair to charge him a rent of £50 a year while he is in it. That anomaly, I expect, has not come to Government's notice!

I cannot sit down without welcoming very much the references by the hon. Chief Secretary to "welfare workers," particularly as I can now deplore his *lagni lingue* when he said "the next best" when he really meant "the very best." I would not like to assume that he did not know the history of welfare workers at home, when nearly every big municipality at home has replaced men workers with women welfare workers! If he would like any further reference, I would refer him to the Octavia Hill housing scheme, which trains hundreds of workers every year and places every worker, and they have gone to Birmingham, Edinburgh, London, and now, thank God, they are coming to Nairobi. I think that is first class. All municipalities out here need these welfare workers, and I can only welcome the whole scheme, and I should also like to put a feather in my own cap by saying that I have asked for them for two or three successive budget sessions, and I welcome the fact that the need has at last been recognized.

MAJOR JOYCE: Your Excellency, I only wish to draw attention to one or two points in the report, and those refer to the department on which I spoke at some length in the original debate, namely, the Public Works Department. I should like in the first place to draw particular attention to page 25, paragraph 180, where I should like to congratulate the Standing Finance Committee on deciding that a sub-committee should examine, in consultation with the Director of Public Works, their system of costing and the standards of construction of buildings and other works. I hope that that indicates that they are no more satisfied with the answers that

(Major Joyce)

were given by that department than I was myself. (A member: It does.) I mention that, because I have heard a remark that the hon. Director of Public Works considers that he has completely squashed all criticism that was made during the budget debate. (Laughter.) If that remark is true, I would like to assure him that that is not the case!

MR. STROSSNER: On a point of explanation, certainly not! (Laughter.)

MAJOR JOYCE: If I might refer to this committee, I do hope very much that on that committee there will be appointed someone with technical knowledge, because obviously a committee of that sort, consisting as it might entirely of laymen, would be entirely in the hands of an expert like my hon. friend the Director of Public Works (laughter) when he referred to certain works or certain standards of construction. I would be the last person to suggest that there should be any deterioration in the standards of construction. On the other hand, I should like to see a considerable improvement in certain cases without increased cost; in fact, I think myself that one could in many cases combine a considerable improvement in standard with a considerable reduction in cost.

The other point to which I should like to refer is page 19, paragraph 113. Here it is suggested that provision should be made for an office superintendent, which I am sure is really needed not only there but possibly in other departments, to relieve the head of the department of a great deal of routine work, and enable him or them to get about more and see the work for which they are responsible. I should like to suggest, if I may, that during the coming year and before next year's budget is introduced, other heads of departments might explore the possibility of asking for similar help. There is a minor point a misprint on page 28, which has probably been noted—item 74, the increase of £1,500 appears as a decrease, and I suppose that ought to be corrected. If I might mention once more the subject of Public Works Department costs, which the whole country feels very strongly about, they may be right or they may be wrong and some of them may not make due allowance for the increased cost of materials and so on, but I will

take one particular item again. I did refer to the houses known as a class IV house at an estimated cost of £1,750. I am bound to say that I was surprised when I made inquiries to find that that house was not a very large one: it had three rooms, a verandah, and a kitchen.

MR. PAROO: Your Excellency, I must say that I have been very disappointed to read the report of the Standing Finance Committee. It appears that the committee has paid very scanty attention to the points raised by Indian members during the debate on the draft estimates. I went through the whole of the report—it is 38 printed pages—in the hopes of finding something to censure me, but all my efforts were in vain, although I must admit there are a few things here and there, which I might call them, but nothing substantial in the way of improvement on the draft estimates so far as the Indian community is concerned. I found only two items of any interest, and they were £6,000 provided for temporary hospital accommodation in Nairobi and £1,650 for the additional classroom for the Indian boys' high school in Nairobi. Except for these two items, I must say the whole report is very disappointing from our point of view. However, I should like to make a few observations on various paragraphs in the report, and for the convenience of hon. members I will take them *ad verbatim*:

On the revenue side, paragraph 9: I welcome the recommendation of the committee for the abolition of estate duty after the war. I think the committee has still left this matter for the consideration of Government after the war instead of being very emphatic that this sort of taxation is unsuitable for the development of a colony like Kenya, and particularly an agricultural producing country. Paragraph 10: which recommends an increase of estimated revenue in respect of trade licences. I do not find myself in agreement with this recommendation, for the reason that the trading community has always maintained that this item of traders' licences should not be looked upon as a revenue producing measure. Besides, very recently the Federation of Indian Chambers of Commerce has submitted a recommendation to Government in respect of resolution No. 7 which was passed at their last session which I shall

[Mr. Paroo] quote: "In view of the heavy increase in the value of commodities, be it resolved to request Government that the Traders' Licensing Ordinance be amended in such a way as to enable the traders to carry the stock valued at double the amount to that mentioned in the ordinance in the cases of lower grade licences at least". As hon. members are aware, there are three grades of licence in this country. One is, the trader is allowed to carry stock to the extent of £100 by a Sh. 45 licence; stock to the extent of £300 by paying a fee of Sh. 112/50; and stock of unlimited amount by paying a licence fee of Sh. 375. The recommendation is that, in view of the fact that the value of goods has considerably increased during the war, in some cases four or five times, petty traders may be allowed to retain stock worth £200 under the Sh. 45 licence, £600 worth under the Sh. 112/50 licence, and for those reasons I do not favour the recommendation of the Standing Finance Committee for an increase in the revenue from the fees in the face of that very fair and just request from the Federation.

Coming to the expenditure side, I very much regret that under the agricultural head nothing has been recommended on the points raised by the Indian members, particularly about agricultural training for Indian youths. I should have liked to have seen even some token vote put in the estimates just to satisfy the Indian community that Government does intend to take steps and also to use the scheme in Morogoro contemplated by the Tanganyika Government comes into shape—I should have liked to have seen something provided under this head, but it appears that the whole of the suggestions of Indian members have been entirely ignored. In paragraph 69 I am glad to see that additional provision for seven Asian clerks has been made in the Customs Department with a financial provision of £462. This works out at £5/10-0 per month as salary, and I consider this is not a living wage for an educated Indian to be employed at in the Customs Department. I do not know what the Commissioner of Customs would expect from a clerk to whom a sufficient salary is not being paid. Paragraph 74: I must congratulate Government in agreeing to send students

for social science to the United Kingdom. The hon. Chief Secretary did explain that he has done the second best thing in sending three women candidates to the United Kingdom, and I believe that two of them are Indian ladies, but I wish to point out that the services and security offered to them, after the conclusion of two years' study in England are not very encouraging. The candidates who came forward this time knew that it was an inaugural experiment, but, under the conditions of service offered to them, in the future I fear that we may not get sufficient candidates from the Indian community unless those terms and conditions are substantially improved.

Paragraph 79: I am glad to see again that some additional staff (for the Indian school, which is urgently required, is to be engaged, but the committee seems to me undecided whether to engage European or Indian staff for the Indian schools. I think this point has been made very clear by Indian representatives in the past, that they do not desire to have European staff for Indian schools. I am sure that by a reiteration of this point it will make it much easier for the hon. Director of Education to make his selection at once. I regret to see that no improvement has been made under Head 10, item 98. As the matter does not appear in the report, I will content myself with saying that the grants made to the Indian grant-in-aided schools is very very inadequate. The figures furnished to me by the hon. Director of Education disclose that there were 4,764 students in grant-in-aided schools in 1943, and since then I am sure that the figure must have considerably increased. This £13,000 provided in the estimates works out at an average of £2,10-0 per head per annum, which is a very paltry sum, and I am sure the Education Department cannot expect any efficiency in management and conduct of these schools unless a very substantial increase is made. This brings me to the recommendation which the Standing Finance Committee made in paragraph 27 of the report on the 1944 estimates. The recommendation was that a committee be appointed to examine the financial implications of the present method of financing the education of all races, with special reference to grant-in-aided

[Mr. Paroo] schools. The committee on the 1945 estimates seems to have overlooked action for the implementation of their last year's recommendation, and until things are put into their proper perspective the Indian community will always have the complaint that they are not fairly treated in the matter of education.

Under the Medical Department vote, I regret that except for £6,000 nothing is being provided, and this is for temporary hospital accommodation for the Indians. The Indian community is carrying a great deal of burden on themselves for the medical services for the benefit of their own community, and I should like to instance the Social Service League of Mombasa, with its counterpart in Nairobi, which run dispensaries and even other services for the benefit not only for the Indian community but for all communities on funds and donations collected from the public. In this connection, I should like to see in future that these institutions are given aid under paragraph 126 and item 126 of Head 21. The head is "Medical grants to missions and African maternity and child welfare centres". Under this head I should like to see even these institutions of Social Service League given assistance for the service they render for the benefit of all communities. Paragraph 136: I am glad that a small amount has been provided for the mobile motorized police patrol in the coastal area. I hope this police patrol will accelerate detection of crimes. Paragraph 147: The committee has recommended a change of title. I disagree with them. I should like to see the old title remain so that the Acting Postmaster General can always be reminded of what he has to do, and that is to improve the speech between Nairobi and Dar es Salaam telephone, which is very poor; just to remind him of what he has to spend money for. Paragraph 164: I am glad that the committee has given consent to paying a share of the expenses of the trade representative in Bombay. The gentleman appointed I know, and I also know that he is already in Bombay and has done a very good bit of spade work for trade between East Africa and India.

The last item I wish to allude to is paragraph 189, subsidy to the sugar industry. Last year when we were asked to

give consent to a consumption tax on sugar, we were informed that the subsidy would be paid after proper examination of the industry of the various sugar factories. Since then, no statement has been made, but the rumours are that the subsidy is going to be paid to the factories which, by mismanagement or inefficiency, have made more loss. I think that will be very unfair, and I just wish to remark that if the subsidy is paid it should be paid on an equitable basis in all factories.

MR. BERICHA: Your Excellency, as a member of the Standing Finance Committee I have little to add to the very able speech of the hon. member save two things. First of all, I should like to pay tribute to the very able and considerate chairmanship of the hon. Chief Secretary during the course of the examination of the draft estimates as at all times when the committee meets, (Hear, hear). Secondly, I should like to refer to two paragraphs in the report which are interconnected and to call the attention of this Council to some of the consequences which may arise during the course of 1945. The paragraphs are respectively 34 and 178. Paragraph 34 deals with two items under the Administration, Head 3, and the amounts which are paid by way of a grant-in-aid to local native councils in respect of two-thirds of the salaries of chiefs' clerks which are increased to £1,261 and £132 respectively. Turning to paragraph 178 of the report, it will be seen that the contribution to local native councils for roads and bridges in native land units over which these councils exercise jurisdiction has been increased from £21,802 to £26,184. I was unable to comment earlier on this particular sub-section of the draft estimates for the reference of the draft estimates to Standing Finance Committee was before this Council, even though there was reference to it in paragraph 8 of the accompanying memorandum. The reason for my inability to comment at that stage was that the Standing Advisory Committee on Local Native Council Affairs had not met, and the local native councils' estimates for 1945 had not been received by members of that committee and had not been considered.

That committee has now met and submitted its report to you, sir. It would be improper for me to make any detailed

[Mr. Beecher]

reference to the nature of that report, but I think I am in order in calling the attention of Council to the very serious state of affairs which exists in connexion with the finances of a very large number, if not all, of the local native councils in this country. It will be recalled by hon. members that the committee which has become known as the Inter-Relations Committee reported in November, 1941, its purpose was to establish a working formula for the inter-relationship of financial affairs as between local native councils and the Government. It early became obvious that the recommendations of that committee were going to operate adversely in respect of the local native councils and in favour of Government finances. One of the consequences of the acceptance of the inter-relationships report proposal was that local native councils became responsible for the burden of undeveloped services and, as a temporary expedient, in order to help them in 1942, the central Government agreed to pay two-thirds of the salaries of chiefs, clerks and the costs of roads and bridges in their areas. This aid was very uneven in operation, some of the councils which had very large and ambitious programmes benefiting and others, not so large, have been called on to bear very heavy burdens. In respect of what I still like to call war conditions, if a comparison is made between Colony revenue for the years of the war and that of local native councils, it will be seen that whereas the actual revenue of this Colony has risen from a sum of nearly four million pounds as disclosed by the Financial Report and Statement for 1939, when the general revenue balance was something short of half a million, the actual revenue for 1943 is raised to nearly seven millions with a general revenue balance of over 1½ millions, and now, if the Standing Finance Committee report is approved, the actual revenue anticipated for 1945 is of the order of 7½ millions. Nothing in any way comparable is to be found on examination of the local native council accounts, and in 1945 whereas their revenue is of the order of £250,000, in spite of the aid which these two paragraphs to which I am referring propose to give the local native councils, they are budgeting for a gross excess of

expenditure over revenue of some £12,000.

Furthermore, some of the local native councils have reached a state of affairs where they are not keeping within the instruction that they should carry a general revenue balance which is a prescribed percentage of their normal annual revenue.

This whole question was subject to an investigation by a member of the Government, who now occupies the post of Economic and Development Secretary, early in 1944. His report and the subsequent discussion of that report has remained, as far as most members of this Council are concerned, a closely guarded secret, and my whole purpose in raising the matter this morning is to ask you, sir, to expedite the examination of the inter-relationships between local native councils and the Colony finance and to decide how action can best be taken in respect of the matter. Local native councils cannot continue to operate satisfactorily unless there is adequate adjustment between their finances and the finances of the Colony as a whole, and in their name I appeal to you, sir, arising out of these two paragraphs to see that immediate action is taken

MR. COOKE: Your Excellency, in the course of the few remarks I propose to make, I have no doubt that certain hon. members will notice a certain irritating habit of saying "I told you so." I will first deal with paragraph 32, in which the question of retirement of officers is referred to. When I first read that paragraph I wondered if I was dreaming or seeing visions, because the committee is, of course, presided over—and to a certain extent, I understand, dominated—by the hon. Chief Secretary. (MR. RENISE: No, no.) (Laughter.) In fact, I understand that even the hon. Member for Nyanza is wont to roar with a monstrous little voice at these particular meetings. (Laughter.) But what surprised me was that it was just over a year ago since I introduced into this Council a motion asking or requesting Government to retire senior officials, and in the course of the debate I received what is commonly called a lemon from my hon. friend, (Mr. RENISE: Raspberry!) So I am glad to see at this late stage that, although the matter has been under con-

[Mr. Cooke]

sideration for nearly a year. Government have at last thought it the right course to adopt. You, sir, referred to selection by merit. I think if I may say so, that everyone will agree with that decision, but I should like to make my own position clear in this matter, because during the budget debate I referred to selection in a certain senior post. I was not protesting against selection by merit, but the point I tried, possibly inadequately, to make was that the gentleman who had been passed over should have been warned during those nine years in which he bore the heat and burden of the office, that he should have been warned in explicit terms that the chance of his promotion was not very good, because that would have given him the opportunity of perhaps seeking advancement in some other line.

With regard to paragraph 39, Oluenguru Settlement, I think we are entitled to a little more information. When the hon. Member for Rift Valley asked a question the other day, the answer he received was that so far as possible, or words to that effect, measures were being taken against soil erosion on this Settlement. I do not think that is quite good enough. When the scheme was first mooted—and here I am indulging in a first mooded—and here I "told you so"—I opposed the scheme. I thought it might impinge on a valuable water shed or forest, and I suggested that we should try to re-acquire, this might not receive approbation from this side of Council, farms which have been abandoned, particularly in the Itihanga Hills, that that land might be made available for these right holders. I think the Highlands Board would show a statesmanlike gesture if they agreed to such a suggestion, and it may be that good will come out of all this if this land is allowed to go back to what nature meant it to be, either forest land or land on which springs of water might be preserved.

With reference to paragraphs 46 and 51, I see there is to be an increase in the number of posts of senior agricultural officers. I have always felt that all agricultural officers—I hope I am not going outside the subject now—should be on a higher scale of salary. At the present moment senior agricultural officers only rise to £840 a year, which is a monstrously low sum to pay a man

serving for 20 years, a skilled man. When you compare that with district commissioner's who are almost, one might say, contemporaneous with agricultural officers, they get £920 a year, it seems to me there is a gross discrepancy somewhere. There is this danger, and a danger which has been brought to my attention by junior agricultural officers within the past month, that junior agricultural officers, especially the more efficient, will not remain in the Agricultural Department after the war unless their prospects are improved. In that respect, may I refer you, sir, to this report on the Reconstruction of Agriculture in South Africa, one of the very many valuable reports issued there during the past year or so, in which they say: "The Agricultural Department has lost literally dozens of its most promising officers during the past few years—as a result of unattractive salaries offered, and the ultimate result must be disastrous for agriculture in the Union." I do feel that every effort should be made to prevail upon Government to increase the prospects of their agricultural officers. The same applies, as I see here a reference to them, to senior medical officers. The fact that they receive, I think, £1,000 a year as compared with senior district commissioners who get £1,200 a year, also seems to me a gross disparity. With regard to assistant soil conservation officers, I should like Government to give an assurance, if they can, that when this post is filled, which is admitted, it should be given to Mr. Colburn Muger. I am sorry to have to mention that name. He, like myself, has the reputation of being somewhat vexatious (laughter), because he puts his own point of view across. If I may indulge in a certain amount of self praise, it is not a bad thing at times, especially when the man is doing such important work as soil conservation. I could not imagine a soil conservation officer being tactful in dealing with everybody, it is a contradiction in terms. He has often to take a strong line, and we want a few more men in this country to take a strong line at times. This officer is at the moment receiving only £720 a year, a grossly inadequate salary for a man doing the important work he is.

The next paragraph is 63—that refers to the Taveta and Ziway Irrigation

[Mr. Cooke]
 schemes. It happens to be in my constituency, and I know there is perturbation not only through my constituency but through the country as to whether the sums being expended are being wisely expended. I am going to suggest that a White Paper or whatever may be appropriate should be published covering these schemes, because I myself am unaware of many of the complex details. I can hardly tell one scheme from the other, and it must be much more difficult for other people. I make this proposal, which has got the backing of certain people who count in this country and whose advice is valuable, that what is known as Block A where some of the water, I think, comes from to irrigate the land, should be re-acquired from Col. Grogan by Government and turned into a post-war African settlement scheme, more especially for detribalized Africans, many of whom have done excellent work in the war and will come back here and find they are landless. I would suggest that this block be re-acquired on a cash basis. I do not know what Col. Grogan's reactions will be, probably pretty severe! (Laughter.) Nevertheless, I do not hesitate to advocate that that course be adopted. May I say that I welcome very much the forestry school for Africans as a step in the right direction, for we have been suffering from the lack of trained African forest officers. With regard to the police, paragraph 133, this is another matter on which I have been trying to instruct Government for a large number of years, and they have at last seen daylight. When that egregious committee sat a few years ago, I have not hesitated since it gave its findings to criticize it, because although it improved the terms of new entrants into the police it did not improve the terms of men like inspectors and assistant inspectors who, after 17 or 18 years or 20 years service, many of them with a wife and children, were receiving only about £400 a year, a grossly inadequate salary for men doing the responsible work they do. I am in a position to give the hon. Chief Secretary certain information which was disclosed to me the other day, if he has not received it himself. I think a copy has gone to the Commissioner of Police, and possibly other members of this Council, but if the hon. member has

not received it I should like to hand him this document which has some very grave reflections to make. I acknowledge that it is anonymous, but even if one-twentieth is true it is a reflection on the Government of the country.

There are just two other remarks that I want to make. May I refer to the appointment of a soil chemist? I am not certain if the hon. Chief Secretary referred to it. Everybody welcomes it. Now there used to be a tendency—until a few years ago we ridiculed it—out of court on this side of Council—to say that a thing is "under consideration". If that term comes from the other side to-day it is received with so much hilarity on this side that it has almost reached the stage of "innocuous devalued". But there is another term coming in that we must have a "survey"—everything is put off until there has been a "survey", there is to be no more mining until there has been a geological survey and so on, so that I do hope that road construction, which is of such tremendous importance in the development of the country, should not be bodily delayed on account of soil surveys. The last item is publicity, and I think that the items which the Information Office supplies for broadcasts from Nairobi are about as bad as they could be. When the hon. Member for Mombasa—in whose career people naturally take an interest!—was elected, it was not disclosed over the wireless for 14 days or two days. But there is something far more serious than that. When you, sir, arrived in this country I, as an old officer of yours, if I may say so, was naturally extremely anxious to know that you had arrived safely. (Laughter.) I turned on the wireless on, I think, Monday night—I do not often turn on the local wireless, it is so bad—and although you arrived about 12 o'clock that day there was no announcement whatever of your arrival, nor any announcement until next day. Then it was wedged in between the news that Mr. Vasey, the Mayor of Nairobi, had arrived from South Africa, and the news that Jerogi wa Kamau had been fined a few shillings for overcharging. (Laughter.) I do submit that in the case of a very important event like that, as we all welcomed your arrival, it was a little too bad of the Information Office to be so lax in its up-to-date information.

[Mr. Cooke]

That, sir, is all I have to say in supporting the motion.

MR. TAENCH: Your Excellency, there are only two points that I wish to make on this report. At one time I'd feel that I should only be left with one solitary item to make any comment on, because the last speaker, the hon. Member for the Coast, appeared to be going through Head 4 with a fairly fine comb. However, in spite of his expert knowledge of farming, which we often read and hear about in this Council, he omitted one very important subject, and that is pasture research. In the budget debate I dealt as well as I could with that particular subject, and pointed out how badly in my opinion it was neglected. When I read this report I must confess that I was extremely irate that no mention had been made of it and that it had not been dealt with. Since then, I have made inquiries and I believe it is really more an omission than anything else. I hope it is, because I think we realize that grass is the biggest and most important crop of all in this country, and instead of being at the bottom of the list in research it should, in my humble opinion, be at the top. I hope that when the staff can be engaged to develop that department that they will be men who have been specially trained in pasture research.

The next point on the list I wish to make is under Head 27, page 17, paragraphs 136 and 137, Police. I will take them together. From these two paragraphs one draws the conclusion that the police want greater mobility, and they have put in for ten pickups and mobile motorized police at the coast. There is one point I should like to make on this. We are all agreed with mobility, but mobility along main roads and district roads is known to be the common practice of the police in this country, especially upcountry, while the average criminal and n'er-do-well never walks down those roads; his tracks are across country, so that he is as little as possible on roads. What I do hope will not be lost sight of is that we upcountry want a certain number of mounted police—(His Excellency: Hear, hear.)—so that they can turn up at will off the beaten track, and in many cases they will find a lot of useful material which should be

taken up and so prevent a lot of planning for crime in the upcountry districts. (Hear, hear.)

MR. BLUNT: Your Excellency, there are one or two points which have arisen in the course of the debate concerning the Agricultural Department, to which I should like to make some reference. The first was that taken up by the hon. member Mr. Paroo in regard to agricultural training for Indian youths. I thought that a question had been discussed by the hon. Commissioner for Lands and Settlement at an earlier stage when the draft estimates were referred to the Standing Finance Committee, and I very much to I am unable to add very much that was then said. I believe the hon. member is aware that there is a proposal to institute a school for training Indians in agriculture in Tanganyika and that this Government has already approached the Tanganyika Government asking that we may have some places in that school for Indian youths from this Colony. If there is a demand for such training, I understand that it is probable that the training school may be established in Tanganyika and may start before the end of the year, it will probably start on a small scale, but a further approach has now been made to the Tanganyika authorities to ask them if they will be able to accept any Kenya Indians who wish for that training. I have no inclination as to whether that will be adequate to meet the requirements, but so far as I am aware of the requirements for agricultural training by Indian youths I have only had one application. It must be pointed out that there are in Kenya already a number of Indians who have agricultural training acquired in India, and I sometimes get applications from such persons for employment in the Agricultural Department. While I am employing one or two trained Indians in the department, there are not many posts for which they are particularly fitted, and I am unable to take any more, but I have not noticed that those I am not able to employ have yet started agriculture on their own, and I wonder how far the demand for this agricultural training is really genuine and directed towards farming in this country.

The hon. Member for the Coast referred to the Olugetuone Settlement

[Mr. Blunt] and the reply I gave him in this Council a day or two ago, and suggested the possibility of moving the settlement elsewhere, suggesting the Ithanga area. That possibility has been under consideration by the hon. Chief Native Commissioner and myself, and a survey has been made of the farms in that area to see if they would be suitable for this purpose, but I must say that we were disappointed, and I very much doubt whether a settlement of that nature on a large scale could be located in that district owing to the poor type of land that is available. The matter, however, will not be allowed to rest there, and we are still looking for a possibility of moving Oleruonitoe. But I would like to say this, that although a number of people consider that the present settlement area is an unsatisfactory one, I am by no means convinced that that is so. It is a highly fertile area, and while it is not suited to the type of agriculture that the Kikuyu squatter naturally likes to practice, it is well suited in my opinion to the permanent type of agriculture which they should be induced to practice, and I believe that there are good prospects if we persevere with that settlement and if we can bring the Kikuyu in that settlement to a different way of thinking we might make a real success of Oleruonitoe.

The hon. member then referred to the question of salary scales of agricultural officers in the department, and there I would like to thank him very much for the reference he made to the value of those officers. I personally strongly support what he said about the salary scales of senior agricultural officers, and I have already made representations to Government for a change in the direction he suggested. I sincerely hope that in due course it will be found possible to bring that about. The only other point I need refer to is that raised by the hon. Member for Rift Valley regarding pasture research. (MR. COOK: Mr. Colin Maher's point?) I took it that that was covered in the general point regarding agricultural officers. He is an agricultural officer and, while he is a specialized one, he would come in for any benefits it is possible to provide for the general run of agricultural officers. The hon. member is also aware that if the proposal for his

promotion has been put to the select committee—

MR. WATKINS: On a point of order, is he being superseded or not?

MR. BLUNT: I have made no such proposal.

HIS EXCELLENCY: I think I had better answer that question by saying "Wait and see". (Laughter.)

MR. BLUNT: To refer now to the question raised by the hon. Member for Rift Valley concerning pasture research. I agree with him as to the neglect of that important feature of agriculture which has taken place in the past. He is aware that the matter was considered at a conference held in 1940 when wide and far-reaching recommendations were made. He is aware also, I think, of the endeavours again made recently to revise these proposals, and I feel it would be out of place if I were to make separate provision in my estimates on a large scale for pastoral research which did not fit into the larger scheme covering the four or five territories concerned. I have, however, pointed out already that this question of pasture research is undertaken to some extent by agricultural officers in the various areas of the Colony, and the work has to be done in different areas. If I am able to strengthen my staff of agricultural officers, I can assure hon. members that I shall not allow this question of pasture research to be neglected but will press on with it faster. It will be noted that in the report of the Standing Finance Committee it is proposed that two further posts of agricultural officers be provided for. It was not much good asking for any more because of the difficulty of obtaining them, but the hon. Chief Secretary has already made it clear that if I should be able to get more staff provision will be forthcoming for it.

MR. FOSTER: Your Excellency, the hon. Member for Nairobi South made reference to the proposed primary school for European children at Nyeri and asked whether the decision to site it there was irrevocable. I am unable to say whether it is irrevocable, but I would explain that after very far reaching consideration of this question as to whether the school should be sited in that or another area, after a deputation from the Aberdares

[Mr. Foster]

had been received and heard by the Advisory Council on Education, and after medical and other opinions had been consulted, the advice of the Advisory Council on Education to Your Excellency's Executive Council that Nyeri should be the site for the school was accepted. As to whether it is irrevocable or not, perhaps the hon. Chief Secretary would indicate. So far as I am concerned myself, I want to see a school in a healthy place for European children, and it is a matter of indifference to me personally where it is. The hon. member Mr. Paroo referred to his disappointment that on Indian education so little appeared in the light of additions to existing services. I share his disappointment at not being able to get more, but the hon. member has overlooked the fact that one or two very important services, very important indeed, financed under the Colonial Development and Welfare Act, do exist. I refer in particular to the provision for teacher training of Indian girls and Indian youths.

The hon. member also referred to item 79 in respect of the appointment of an Indian staff for Indian schools. I think at the time the matter was discussed by the Standing Finance Committee I had not then held the promised inquiry into the alleged deficiencies and shortcomings in Indian education, particularly in Nairobi. That has since been held, and I understand that Government is likely to agree to a statement being communicated to the public very shortly on Indian education policy generally. The item as it stands leaves the matter open, as hon. members will appreciate. The question of grants in aid to Indian schools being in the opinion of the hon. member entirely inadequate, is also a matter on which he is likely to have further information at a not too distant date. The implementation, for instance, of the recommendations of the Expenditure Committee on Education was some time in coming to light; and it is still under consideration, and no doubt there will be recommendations in that report which will if adopted improve the situation.

MR. NICOL: Your Excellency, as a member of the Standing Finance Committee I should like to associate myself with the remarks of the hon. member

Mr. Beecher. I have served on the committee now for a long time, five years I think, under the chairmanship of the hon. Chief Secretary, and I have always been amazed at his knowledge, his encyclopaedic knowledge of the territory, and also at his unflinching patience and courtesy to us. (MR. COULMAY: Domination!) To use that Irish expression of the hon. Member for the Coast, I think it a monstrously low suggestion to suggest that we were dictated to by the hon. member. With regard to the caveat which I put in under the customs revenue, I sincerely hope that I shall be proved to be pessimistic, but at the same time I do think it is necessary that we should realize that for our customs revenue we are dependent on the shipping space that can be made available to us. Regarding paragraph 9, estate duty, for years and years we have always pressed that this tax should be removed from the statute book just as soon as it is possible. I think it is a very, very bad form of tax in an agricultural country such as Kenya. I cannot let a certain remark by the hon. member Mr. Paroo go unchallenged. I cannot in fairness to the committee. He made special reference to the Social Service League, and I entirely agree with him that the League in Mombasa, doing its first class job of work, it really is, but I do not recall any period in the budget debate or any period during the deliberations of the Standing Finance Committee of the question of a grant to the League being raised. Therefore, I do not think the hon. member was really fair in attacking us on that particular matter. The Social Service League, I agree with him, is doing a very splendid job of work.

With regard to the suggestion put forward by the hon. Member for Ukamba, that an expert or somebody with practical knowledge of construction specifications and the like should be a member of the committee to be appointed to inquire into the Public Works Department costs, I think it an excellent suggestion, and I am certain such an expert would be able to bring very useful advice to an ordinary layman. I was very glad the hon. Director of Public Works stated that he was satisfied that he had not satisfied the Standing Finance Committee as to his costings, because I, frankly enough, had a member of the public say to me that we had been

[Mr. Nicol] •
 floored. I do not think we have at all. There is one point which the hon. Member for the Coast raised, on the question of the Information Office. He was correct when he said the announcement of my election was not published for over, I think 48 hours. I went into that with the East African Standard, which has the monopoly of supplying news to Cable and Wirelets. The result of the election was known in Nairobi at 7 o'clock in the evening, the East African Standard got it, but could not find the censor to release the news. (Laughter.) That was the position. The point I want to make is this: I think I am correct in saying that as far as the B.I.C. is concerned the dissemination of news is not the prerogative of any one specific agency. For example, the East African Standard has the monopoly of the dissemination of news to the Nairobi wireless system, but surely news such as your article, Sir, in the monopoly of one particular newspaper? I just put that forward as a suggestion.

HIS EXCELLENCY: It is only fair to the Information Office to observe that the result of the East African Derby was known at Molo 40 minutes after the race had ended (laughter.)

MR. MARCHANT: Your Excellency, there are two points only to which I might refer. The first was that raised by the hon. Member for Nairobi South on the appointment of a judicial adviser, to which he linked an inquiry for information on the subject of native land tenure. The necessity for the appointment of a judicial adviser is that native tribunals have now been in operation for some 15 or 16 years, and the time has now come when their activities have to be co-ordinated. We are in process of building up a system of case law based on tribal or native law, and it is necessary, therefore, for co-ordination to take place. That deals with the question of the judicial adviser. On the question of land tenure, it may interest hon. members to know that Government is endeavouring to obtain the services of an expert to advise us on this subject and see that the inquiries which are now being undertaken are carried out in the right direction. The other point to which I would refer is that raised by the hon. member Mr. Beecher. He drew attention

to the fact that local native council finances in some cases are, as he said, in a precarious state, or words to that effect. It is well known, I think, to everybody, that an inquiry was carried out in 1944 into the effects of the recommendations of the Inter-Relations Committee on the finances of local native councils. The inquiry was carried out by Mr. Troughton, who is now Economic and Development Secretary. His report has been before Government for some period and is now being considered by the Provincial and District Commissioners, and at the present moment is in process of finding its way to Executive Council where it will be considered and ultimately made public.

HIS EXCELLENCY: I should like to intercept myself on that point that the finances of native governing bodies are, as the hon. member Mr. Beecher said, of the greatest importance and, incidentally, a thing that I myself have had a great deal to do with in the past. I will certainly make it my business to look at them in the immediate future.

MR. TESTER: Your Excellency, I should like to refer to a point made by the hon. Member for Kiambu on the subject of the Lady Northey Home. I am sure she will be gratified to notice that the annual subvention to the Home has been increased and now amounts to £750 a year. In regard to this loan of £5,000 which gave rise to her remarks, I might explain that the arrangement for the loan as reflected in the estimates is a great improvement on the present arrangement which the home has for £5,000. The present arrangement is that the Home has a guaranteed overdraft with a bank for £5,000 which has to repay in quite a short time, which means large annual repayment instalments. In accordance with the estimates, it is proposed that Government shall lend £5,000 at the rate of 3 per cent interest and that repayment will take place over 17 years which I think is a great easement of the present position in regard to the finances of the Home. The Home has a very great reputation in Nairobi, but it has a very authoritative governing body and I am quite certain that any recommendations put up by that body will receive most sympathetic consideration. I now turn to the remarks of the hon. Member for Nairobi South on the

[Mr. Tester] subject of the financial statement on page 7 of the estimates. I am quite sure I can readily give an undertaking that the Government will insert a statement based on the annual cost of pensions calculated in the manner which he proposes, but I should like to say that the impression on this side of Council was that the unofficial members required some sort of calculation of the existing liability of the Kenya Government in regard to pensioners who are now drawing pensions and will for the rest of their lives, and also of the pensions commitments we are building up. I think it is a fair answer to suggest an actuarial calculation for that, but in regard to an annual statement it is a matter of great simplicity which as I have said I am sure Government will be delighted to do.

DR. LOCKHART (Acting Director of Medical Services): Your Excellency, the hon. Member for Kiambu raised a question of overcrowding at the Lady Grigg Maternity Hospital at Pumwani. Negotiations have been going on for some time for the taking over of that hospital by the Nairobi Municipality. I think from the first of the year. The municipality has a large programme of extensions, and I think it will be got on with as fast as possible. The hon. member Mr. Paroo raised the question of a grant to the Social Service League, which the hon. Member for Mombasa has answered. I also can say that we have received no application for aid from that League.

MR. MATRUU: Your Excellency, I just rise to make a few observations on the Standing Finance Committee report, and to congratulate the members very much for their clear and well toned report. In the few remarks I want to make, are first of all those on paragraph 88, overseas burials for Africans. The ground has been covered very well by my colleague, when he talked about the financial relationship between African local bodies and the central Government, and in that paragraph we notice that reference is made to local native council contributions for overseas burials for Africans. I am a bit disturbed by that remark, because I should not like to see further financial burdens put on local native councils. Overseas burials, I suppose, in the long run, if this becomes

an established practice—which I hope it will—should properly be a burden on the central Government and not on the local native councils. The report which has already been referred to by the hon. Chief Native Commissioner will clear this matter up, perhaps, and we shall know exactly where we are in the financial relationship of the two parts of Government. The other item I refer to is paragraph 108, judicial adviser. I just rise to say how welcome this appointment will be, because I feel we should like to have a systematized law which will be at the disposal of those working in native tribunals. In that connection, I should like to make a suggestion, that I think it is high time we got Africans trained in local law, and not only native law but law generally, because I think that ignorance of law generally and also ignorance of native law particularly will be a hindrance to the administration of justice in native areas. It might perhaps be a matter in which Makerere might help us out by training young Africans there in native administration, with special reference to law generally and native law in particular.

The next is paragraph 175, Head 38A, Veterinary Services Extraordinary, where the cattle survey in the Uasin Gishu-Nandi is referred to, and £4,500 is suggested as the provision for that survey in the Nandi area. I want to point out that there is existing among the Nandi a great deal of suspicion of this move for a cattle survey. They are suspicious and afraid that possibly the move is to eliminate their live stock. Personally, I know that that is not the intention, but I thought I should draw attention to that fear so that propaganda may be undertaken among the Nandi people to dispel that fear and suspicion. The other remark I should like to make is on paragraph 176. I should like to make a very general remark about educational buildings such as African schools. For the future, when we are making plans for development, I think we should like to see African schools composed of more imposing buildings. We have African schools in small, tiny buildings that do not command dignity, and I am sure that when people visit our country they would like to see Africans in more imposing buildings receiving their educational services. Possibly the hon. Director

(Mr. Mathu): of Public Works would in future see that that comes true. The other point is about water supplies. I raised the question of water supplies for the Rabai people, and I want to draw attention again to the fact that they are still suffering, that the water position has not improved, and that really immediate action should be taken to provide them with water, for those people are really in great difficulties. They spend about ten hours a day looking for water, and then only get a small quantity, and have to spend another ten hours, in fact, they do nothing else. I really make a very strong appeal to Government to see that some action is taken, and taken immediately.

Under the same head of buildings, paragraph 178, I should like to make a few remarks on the roads in the native land units. An increase in the grant for roads and bridges has been made, and it is welcome, but the roads in the native land units are in a very deplorable condition, particularly the produce carrying roads. We have not one hard surface road in those units, and during the wet weather the roads are impassable. I do not say that we should hard surface them all at once, but there should be some in the units, particularly those carrying produce, as well as in Nairobi and other places that should be surfaced. The money is there, and I am sure something can be done about them. My final remark is with reference to the Olerunguone Settlement. That matter has been discussed here and a reply made to a question by the hon. Director of Agriculture, who has also made some remarks to-day. The point I want to draw attention to is that the complaint of the African now living in the settlement, the majority of whom are Kikuyu, is about the size of the plot allotted to them, Barea plots. This matter was brought up in the Kiambu Local Native Council when I was present, and that complaint was very carefully shown. I had not known there was a desire on the part of the African people there to move somewhere else. However, that is a matter that should be considered very seriously in relation to other matters of Africans who have left Kikuyu particularly and gone to other places and have found it difficult to know where they will go to if they are moved, because there

is hardly any room in the Kikuyu Land Unit. I support the motion.

MR. RENNIE: Your Excellency, I am gratified at the reception that the Standing Finance Committee remarks has received in this Council. The remarks already made by hon. members on this side of Council leave me very little to do, but there are one or two points that I should cover. Referring to the remarks of the hon. Member for Nairobi-South in respect of paragraph 104, Labour Department, I can assure him that as soon as the proposals are made by the Acting Labour Commissioner and considered by the Government, the financial aspects will come before the Standing Finance Committee, and I have no doubt that once that is done and decisions arrived at, Your Excellency will be only too anxious to make known what those proposals are. The suggestion in respect of paragraph 163 that we should engage a man and put him in the London Trade and Information Office at once, is one that I will take up in the appropriate place as soon as possible. The hon. Director of Education has referred to the question of the siting of the Nyeri school, in connexion with paragraph 177. He has explained the history of that matter, and if he had explained it in full detail he would still be explaining it now because, as most hon. members are aware, there has a long and somewhat chequered history, and the final decision arrived at that Nyeri should be the site of the school was taken only after a great deal of consideration by everyone who thought that he had any interest in the question. The second part of the decision was that the site should be on the old aerodrome at Nyeri rather than on private land. That decision was arrived at after a survey by all the technical officers concerned, and I hope the hon. member will realize that the decision to site the school on the old aerodrome site at Nyeri was taken after the fullest consideration of all aspects of the matter, and should be regarded as final.

The hon. Member for Kiambu has, I am glad to say, drawn attention to the excellent work done by the Lady Northey Home. I have a somewhat personal interest in that matter; my wife happens to be President of the Home, and therefore is in a position at times to bring to my notice somewhat promi-

(Mr. Rennie) only any requirements of the Home. (Laughter.) I may say the did not fail to do so in connexion with the recent negotiations to which the hon. Financial Secretary referred, and on the last occasion on which she mentioned the matter to me she expressed her pleasure at the decisions the Government had taken. (Laughter.) The hon. Member for Ukamba made a suggestion that a man of technical knowledge should be appointed to the sub-committee which it is proposed should go into the question of Public Works Department costing. I think that to co-opt a man with technical knowledge would be an excellent thing. I do not share his views that the members of the sub-committee will be so simple that wool can be drawn over their eyes or sand thrown in their faces, but I do think it will be a very good thing if a technical man could advise them, and so far as that goes I have already expressed the hope to the hon. Member for Ukamba that he himself will assist the committee with his own very deep knowledge of such matters. (Hear, hear.)

Turning to the remarks of the hon. member Mr. Paroo, I think he was a little hard on the committee in respect of paragraph 10, which deals with trading licences. The committee does not in that recommendation actually suggest an increase in the amount of the trading licence fees. The committee was informed that the changes were that the revenue would be rather more than had been estimated for in the first instance, and somewhat naturally suggested that the revenue figure should be stepped up to the appropriate amount. The committee was not aware of the resolution to which he referred and which, so far as I am aware, is still under the active consideration of the Government. As regards his remarks on the salary scales attached to posts under paragraph 69, clerks in the Customs Department, I understand the position there is that the officers concerned will be appointed as learners in the first instance, and subject to their qualifications and ability, will be given higher posts later on. The hon. member can rest assured that they will receive normal terms of service, and that there will be no attempt to recruit young clerks at ridiculously low wages.

I am very grateful to the hon. member Mr. Beecher for his remarks regarding

my own chairmanship. I might perhaps take the opportunity of referring also to the remarks made by the hon. Member for the Coast. The short fact is that on many occasions I accept the suggestions of the members of the committee and on a few occasions they accept my suggestions. If that is domination, I am inclined to agree with the hon. Member for the Coast on this occasion. (Mr. COOKE—I meant it as a compliment!) I am aware of the hon. member's type of compliment, but what I have always to look out for is the ricochet! (Laughter.) The hon. Member for the Coast referred to the Taveta and Ziway schemes. I think that those of us who have to go into the details of these schemes occasionally perceive our hearers by reference to Block A and Block C and this and the other block, and the point he has raised and the proposal he has put forward merit consideration. I know that many people are anxious to have fuller details about these schemes. The matter is, however, very involved; even now the Government is conducting a certain negotiation in connexion with Block A at Taveta, and I hope that when they are satisfactorily concluded it will be possible to make some such statement as the hon. member has suggested. As regards his remarks on broadcasting, I am not quite sure, if I heard him aright, but he took the Information Office and the broadcasting authorities to task because when you, sir, arrived on the Sunday the announcement was not made until Monday.

MR. COOKE: No, Sir, His Excellency arrived on the Monday, and it was not announced Monday night on the 9.15 p.m. news.

MR. RENNIE: I thought that perhaps the hon. member was under the impression that you arrived on Sunday as we had at first hoped. (Laughter.)

The point made by the hon. Member for Rift Valley about the question of the police being mounted to enable them to go across country is one for which I thank him. It is a point that I have not heard mentioned before, and I will certainly take up the proposal with the Commissioner of Police. Turning to the remarks of the hon. member Mr. Mathu, I have taken a note of his suggestion that propaganda might be undertaken to remove any suspicion that might exist

(Mr. Rennie)

with the Mau Mau as regards the cattle survey to be undertaken. That point will certainly be taken up with the Provincial Commissioner. As regards the question of water supplies, I have no doubt that he and other members of this Council are aware that during the last few years the Government has spent a considerable amount on water supplies in the native areas and in other areas throughout the country. That work will be continued and intensified in the near future. So far as water supplies at Rabai are concerned, I am aware that the hon. Director of Public Works has been into that question. I have no up-to-date knowledge of it, but I will have the matter further investigated and, if possible, steps taken to improve matters forthwith. The hon. member also mentioned the question of roads in native areas and describes their condition as deplorable. He knows more about the subject than I do, but I should like to bring to his notice and to that of other hon. members that a considerable amount of money has been spent in the last year or two on roads in native areas, particularly on production roads to which he referred, and if there are still areas in which the production roads are in a deplorable state I should like very much if he would bring them to the notice of the Provincial Commissioner concerned so that the Provincial Commissioner can bring them to my notice in order that I might bring the matter before the Central Roads and Traffic Board for their sympathetic consideration.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Monday, 8th January, 1945.

Monday, 8th January, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Monday, 8th January, 1945. His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the Hon. Acting Chief Secretary (Mr. E. R. E. Surridge).

MINUTES

The minutes of 5th January, 1945, were confirmed.

CHIEF SECRETARY'S INJURY

HIS EXCELLENCY: Hon. members will learn with much regret the cause of the Acting Chief Secretary's presence this morning, i.e. that the Chief Secretary indulged in the very unbecoming practice of leaping farther than was prudent and had the misfortune to tear the Achilles tendon! so that his leg is now in plaster and will be there for some six weeks. He is very well, and I know hon. members would like me to convey on their behalf their regret that this accident should have occurred and their hopes that he will soon recover. (Hear, hear.)

NOTICE OF MOTION

Mrs. WATKINS gave notice of the following motion: That, in view of the increase of crime in the Colony, this Council requests Government to take such action as may be considered necessary to meet the serious situation which is being created thereby, either by increasing the efficiency of the administration of justice, strengthening the police force, the introduction of legislation designed to meet the position, or by taking any steps which it is considered may result in providing a solution of the problem.

KENYA AND UGANDA RAILWAYS AND HARBOURS

SECOND SUPPLEMENTARY ESTIMATES, 1943

MR. ROBINS: Your Excellency, I beg to move: That the Second Supplementary Estimates, K.U.R. & H., 1943, be adopted.

(Mr. Robins)

This is a purely formal motion, and these estimates consist of financial and accountability adjustments, and there is no change in policy.

MR. TROUGHTON seconded.

The question was put and carried.

FIRST SUPPLEMENTARY ESTIMATES, 1944

MR. ROBINS: Your Excellency, I beg to move: That the First Supplementary Estimates, K.U.R. & H., 1944, be adopted.

Members will notice that there is a provisional allocation to the rates stabilization and relief fund. This fund is under local control, and it is designed so that after the expiration of the war it will cushion some of the shocks we shall meet then. I would also draw attention to the provisional allocations made in regard to passages. During the war practically no money has been spent on passages, but there is a heavy liability, and it was thought prudent to make provision for it in the supplementary estimates. I would point out that these allocations are provisional and subject to review at the end of the year.

MR. TROUGHTON seconded.

The question was put and carried.

ESTIMATES OF REVENUE AND EXPENDITURE, 1945

MR. ROBINS: Your Excellency, I beg to move: That the Estimates of Revenue and Expenditure, 1945, be adopted.

In presenting the estimates for 1945 I do not propose to quote a lot of figures, because I believe that in a speech it is difficult to appreciate the significance of such figures. I have prepared a detailed memorandum giving all the information, which hon. members will find in the forefront of the estimates, and I propose, therefore, to confine my remarks mainly to the reasons underlying the preparation of the estimates as now presented. It must be remembered that in the preparation of the estimates, in order that they should be prepared in sufficient time for consideration by the Railway Advisory Council, the Harbour Advisory Board, and later by the Legislatures of Kenya and Uganda, these estimates have to be prepared departmentally in June, that is to say, very often before the agricultural

seeds of the produce we are later to carry have been placed. From time to time alterations take place, and it is very difficult to incorporate those rapid changes in the draft estimates, and therefore I think this point should be borne in mind. The estimates as they are now presented are conservative in this respect. They are conservative, for although the amount estimated is higher than the amount estimated for in 1944, it is lower than we expect to earn in the current year. The reason for that is that it is extremely difficult to predict the year which East Africa is likely to play in the war. Hon. members will, I know, be aware that I have spent a great deal of my life in commercial undertakings, and I regard the estimates as a guide, and a guide only. A very important guide, I must admit, but, as their name indicates, I regard them as estimates, and I myself prefer to be judged on what has actually happened rather than what we think will happen, and it will be my endeavour throughout the coming year to present a satisfactory record of operation when the year is closed.

I will now turn for a moment to the question of passenger revenue. This is a very uncertain figure, and it is a figure which is very hard and difficult to predict. A great deal depends upon the army movements and movements of other military services, and on these quite quite naturally we have very little information. The pressure on the passenger transport continues to be extremely heavy, and there seems to me little prospect of any amelioration under present conditions. The only way in which I can see that improvement could be effected would be by means of additional rolling stock, and there is prospect, in fact, certainly no prospect of getting additional rolling stock in the forthcoming year. It has been suggested that the Administration has no care or interest in passenger traffic. That just is not true. Before the war, the Administration had reasonable facilities for passengers. It is true that, owing to physical conditions, this railway can never be made a high-speed railway; it is a mountain railway. But reasonable facilities were provided, and it is my intention as soon as the war is over to re-instate those facilities and to provide a higher standard, if possible higher than the standard which we provided in pre-war years. But during the war, no more

[Mr. Robins]

than anybody else, can make bricks without straw—I just have not the equipment to put on a really comfortable passenger service during the war.

Turning to goods traffic, there are some indications that the cotton crop of Uganda will not be as great as is estimated. As I mentioned just now, the preparation of these estimates takes place early in the year and before we get firm estimates of such crops as cotton. There are always several changes in the estimates of production of cotton, and even now it is impossible to say with any certainty what the crop is likely to be. There is one point of great interest in connexion with the estimates of revenue from goods traffic, and that is that the ordinary traffic, including low-rated commodities, is estimated to bring in an average revenue of Sh. 36 per ton, whereas the military traffic is only expected to bring in revenue of approximately Sh. 16 per ton. This represents a very substantial contribution to the British taxpayer by the users of the East African railways. Unfortunately, owing to the method in which our accounts are prepared and kept, the exact sum is not shown, but hon. members can take it from me that the amount is substantial.

On the expenditure side, the work to be done to produce the estimated results. There is an increase of 7.15 per cent in ton miles and 7.3 per cent in engine miles over the estimates for 1944, and here I should like to draw hon. members' attention to the fact that there is a complete change in the character of the traffic conveyed by the Administration's services compared with pre-war. The average haul is now very much longer than in pre-war days, although the tonnage itself is very much higher. This is due to the fact that there are less exports and considerably more internal movements. Furthermore, in these days it requires more engine miles to deal with a given ton mileage than in pre-war days. For one reason, there is a considerable increase in tonnage. There is also a very considerable increase, as I have already mentioned, in passenger traffic; also, in order to conserve coal, extended use has been made of small engines with their comparatively lighter loads. This, of course, involves more engine miles to move a given ton mileage. There is also additional shunting in connexion with

internal movements over and above that when we have large streams of export traffic, and a still more important factor in this change in the character of the traffic is the fact that to-day we have got to make every endeavour to move empty wagons rapidly to the point where the traffic is waiting. The increase in working expenditure is considerable, but inevitable and beyond the control of the management, and there seems to be no likelihood, or little likelihood, of any major reduction in expenditure in the near future. With the exception of the war bonuses, the heaviest increase in expenditure is in connexion with locomotive operation, and this is a matter which is a source of constant anxiety to the management. There is a general increase in the cost of fuel. The price of coal, owing mainly to marine freight, insurance, war insurance, and so on, has risen to a degree, which was not thought possible. Furthermore, there are very grave difficulties in obtaining supplies. Hon. members will be aware that, owing to difficulties in the United Kingdom, there is a general world shortage of coal, and the coal which is produced in the Empire countries is now required in connexion with the war effort. We are dependent, therefore, for obtaining our supplies on the demands which are made in connexion with the direct war effort, and we have to accept coal at different times and different places, with a consequent variation in the price. There is also a general rise in other fuel costs. Every effort has been made by the Administration to utilize wood fuel in place of coal, but there are limits to the extent to which wood fuel can be used as a locomotive fuel. The contractors themselves have met with considerable difficulties. They have met with difficulties in connexion with road transport to all head; they have met with difficulties owing to a rise in labour costs; they have met with difficulties in connexion with food supplies for their labour. This has had its effect in raising the price which has had to be paid for wood fuel.

Another very serious difficulty in connexion with the locomotive operation and which has had an effect on pushing up locomotive costs, is the question of water supplies. Hon. members will not need me to tell them that drought conditions have been experienced almost throughout the whole of East Africa for

[Mr. Robins]

the last two years, but I am sure they will be surprised to learn that for several months every locomotive which left Nairobi had to obtain its water supplies from Ruiru, and we had to run a whole series of water trains between Nairobi and Ruiru to maintain the main line service. This is a matter of extreme difficulty, a matter of considerable expense. I need not go into the difficulties, but it means the provision of water-tanks and so on. Then, of course, there have been water difficulties between here and the coast, which is notably a dry area. The Administration has to do everything it possibly can to augment water supplies by the sinking of additional boreholes, by the provision of pipe lines, and by any other means without any regard to cost. This, of course, has been a most expensive and difficult business, and I do not think we are really through our difficulties yet.

Another very serious difficulty in connexion with locomotive operation is the question of the supply of spare parts. Early in the war, in order to relieve the pressure on shipping and in order to enable the United Kingdom to divert man-power to the production of war materials, a temporary policy was adopted in this country of not endeavouring to make as many locally, almost all of our spare parts locally. Unfortunately, the demand on the Administration's service has been so great that this local production of spare parts has fallen considerably into arrears and presents a very serious problem. The cost of making these spare parts is also fairly high, and those spare parts we have been able to get from overseas are also very expensive. It is interesting to note that the wholesale index price quoted recently by the Royal Economic Society was 143 in Great Britain and 136 in America. Both of these figures exclude the cost of marine freight and insurance which, during wartime, is a very heavy item. The other very large increase in expenditure is in respect of war bonus, and that is brought about directly as a result of war conditions and does not, I think, call for any special comment as it is entirely practically under the control of the management. The other increases in expenditure are mentioned in detail in the memorandum, to which I referred just now.

I do not think any special comments are called for in connexion with the harbour estimates. The major increase in cost in those estimates is in connexion with the payments to contractors, and this is most closely related to the volume of traffic to be dealt with at the port, and also includes payment of war bonus to the contractors' staffs. I know it will be of interest to hon. members to know that in 1946 the very heavy interest loan of 1921 can be redeemed, and the Railway Advisory Council have given very favourable consideration to this question in order to see in what way the present generation of railway users can be relieved of this very onerous burden. At a later date I hope to have the opportunity to explain to hon. members in detail certain proposals in connexion with the redemption of this loan, which I hope will result in a substantial relief to the East African users of the railway in a position to give those details. Hon. members will, I am sure, be pleased to hear that there has been some addition to the locomotive rolling stock; and also some addition to the goods stock. This assisted the position in regard to the goods traffic, although if the war is prolonged and the demand keeps up to its present level more additions to the rolling stock will be essential. All our requests have not been met, and the locomotive position is in a not very satisfactory at the present moment. But our main requirement now is for additional running staff. There are several vacancies for young men who are willing to come to us as firemen with the object of being trained as drivers. This is a most urgent requirement, but up to now I have been completely unable to obtain the necessary staff, and if the military demands remain as heavy as they are to-day it may be necessary to seek the assistance of the military authorities in releasing a number of fit men who are willing to undertake this work. In regard to the passenger stock, no additions whatever have been received, and it is most unlikely that any additional passenger stock will be received until the war is over.

Another matter of considerable interest to hon. members is the question of conservation of transport. This matter has been dealt with at some length in the last budget debate. I have heard it suggested that the General Manager was obstructive and evasive. Well, sir, that is just

[Mr. Robins]

not true. First of all, it is entirely different from my ordinary character, as I think hon. members well know. (Hear, hear.) Secondly, it is not in accord with my reputation in another territory in East Africa. I have made no secret whatever of my views on this question, and I hope hon. members will have done me the honour of reading what I had to say about it in my last annual report. I think that it is plain a statement as it is possible for me to have made. I have, since the last budget debate, gone into the question with my colleague in Dar es Salaam in regard to railway transport, and we have formulated certain ideas on that question which have been submitted to higher authorities for consideration. But there is one point I should like to make, and that is that the question of policy in regard to transport is a question for the people of this country. (Hear, hear.) It is not a question for a General Manager. I am here as the technical and executive head of an undertaking, and it is my duty to carry out such policy as is set me by the people of East Africa, and if I am not in accord with that policy my duty is to resign from the service, and I can assure you that that is my attitude. I have no desire to dictate what the transport policy of this country is, but at the same time I do think it well worth while for hon. members to ask me my views on this important question, because I have had opportunities which many have not of studying the question in detail over a period of many years.

The war is not yet over and it is, I think, fairly evident that East Africa will continue to have a considerable part to play in connexion with the war in the Far East, and it is against this background that the estimates have been framed. They have also been framed to seize the present opportunity to build up a strong financial position in order that we may meet the shocks which may come during the course of the war or may come in the post-war period, and so render the greatest possible assistance to East African users of the Administration's services. It is no use being wise after the event, and I see nothing to be ashamed of in building up a sound financial position to-day, and I see nothing for which I need apologize. The parable of the Foolish Virgins is as true

to-day as it was the day it was said, and I have no intention if I can help it of allowing East Africa to be found without oil at the crucial moment. (Hear, hear.) The estimates have been examined in detail by the Railway Advisory Council and the Harbour Advisory Board, and I should again like to take this opportunity of publicly thanking the members of those bodies for their help and assistance. I should also like to express my thanks publicly to the public for their forbearance in these very difficult times. I am most anxious to retain the goodwill of the public, and I hope that after the war I shall be able to meet their requests efficiently and properly.

Finally, I think the public owe a debt of gratitude to my staff. (Hear, hear.) They have borne the heat and burden of the day, they have had very little or no leave, and they have got a long time to wait before they can get any recuperative leave for so long as the demands on the Administration's services remain as heavy as they are at the present moment there is very little at the present moment being able to join in the very limited leave facilities which are at present available.

Sir, I beg to move.

MR. TROUGHTON seconded.

MR. COULDRAY: Your Excellency, the hon. General Manager, when he introduced one of the motions which we have just passed, the Second Supplementary Estimates, mentioned that it was a purely formal motion—

MR. ROBINS: On a point of order, not the second.

MR. COULDRAY: Well, the first, it was a formal motion. I am going to submit that the motion to which he spoke so eloquently, just now was also very much a formal motion. Eight days ago, I think it was, these estimates were passed, I suppose with a great deal of approbation and all that sort of thing, in the Legislative Council of Uganda, and I can only presume that for the last eight days the Kenya and Uganda Railways has been running on Uganda money. (Laughter.) Sir, if we in this Council were to speak directly to the motion as tabled and as proposed, I submit the whole of the proceedings would be a farce, because we know perfectly well

[Mr. Couldey]

that whatever we may say in this debate, what anybody may say, not one single figure in these printed estimates will be amended or altered. It has frequently been said in this Council, and no one has attempted to refute it, that since the constitution of the railway was altered these estimates have been submitted annually to the different Legislative Councils, not one single figure in the estimates ever has been amended or altered in 20 years, and so I repeat that to speak merely to the motion as tabled would be a farce. But these debates on the Railway estimates have in the past, and I trust will to-day, been prevented from being an entire farce because members of this Council have been given the opportunity of seizing on the one occasion in the year—the only occasion in the year—unless, of course, they can debate railway policy in general, and I trust, sir, you will allow me to speak on the general railway policy even if I cannot tie my remarks to one particular figure in the estimates.

Before I commence, I should like to express, and very sincerely, my appreciation of the great efforts made by the staff of the General Manager of the Railways and Harbours. (Applause.) I have done my hon. friend the honour of reading his report, and I have read it very closely. I may say that it was a very cheering report to read. I think I have converted him to my way of thought. I have read that report, anybody who stops to think for one moment of the amount of extra work entailed on the staff of the railways by this most regrettable war, must appreciate that for five long years the members of the staff of the Kenya and Uganda Railways have stood, and stood up nobly and well, to most onerous conditions (applause), and if I may follow the example set by my hon. friend opposite, and start throwing buckets without reserve to throw them on all the bouquets I can, I should also like to express my appreciation of the manner in which the hon. General Manager has submitted these estimates. I do expect a good deal of lucidity and, if I may say so, eloquence, from the hon. member, and we have not been disappointed. That, sir, ends all the

bouquet-throwing that I am going to do. (Laughter.)

I may hasten to say that I had intended to throw more. I had intended to congratulate the country on having a railway in such a magnificent condition, but when I come to think about it and to work out on what I had to congratulate the country, I could not find out what there was to congratulate me about, except the undeniable and pleasant fact that the railway is in a most magnificent condition and the country does naturally get considerable benefits from the fact that it is in this magnificent condition. As you know, the country gets none other. The railway pays no customs duties, it pays no dividends, it pays no taxation, and although a great deal of the almost opulent condition of the railway is due to the luck of the war, it pays no excess profits tax where a public utility company would be expected to do so, such is the magnificent isolated position of the Kenya and Uganda Railways. Some time ago, I know, at one time the Kenya and Uganda Railways, in acknowledgment of the great profits it was making by the incidence of the war, did return a good deal of the Imperial and South African Governments in the way of free services, but on the instructions of one of the various Secretaries of State who control our destinies that was stopped, because the order was issued or introduced that it would be better for the colonies who were cashing in on the war to spend their money or divert that money to reserves for their own development. Of course, as is characteristic of the railway, the railway thought that that meant the development of their own existing assets.

What is the position, the financial position of this railway? I, like my hon. friend opposite, am not going to give you a lot of detailed figures, but roughly naturally I have them here, and roughly speaking the railway is capitalized at 22½ millions of which some 14½ millions are loan and interest bearing capital; it has in reserves just about 8 millions, in reserves of different sorts; and it also has a sinking fund which is nearly 4 millions. That, of course, is an extraordinarily fine position, and if anybody wants credit and it pleases anybody to

[Mr. Coudrey] say that that credit is entirely due to the railway, that does not matter—I will give them that credit. Look at these reserves for a minute. I am not going to read out the whole total of the amounts unless it is necessary to do so, but they have a renewals fund of about a million, a betterments fund, a rate stabilization and relief fund, pensions and gratuities, widows and orphans, passages equalization fund, wartime contingency fund, a supplementary sinking fund, miscellaneous credits fund, disinvestment of investments fund, and general reserves. I fully and frankly admit that all these reserves, which total about 8 millions, from the railway point of view are entirely justified, there is no argument against them, but I submit very strongly that the financial position of the railway must be somehow related to the financial positions of the countries it serves. If I had to summarise the position of the railway in a few words, I could not do any better than paraphrase a famous White Paper, which was known as the Devonshire White Paper, which at one time caused a great deal of comment in this country: "Primarily, East Africa is a railway territory, and the General Manager thinks it necessary to record that the interests of the railway must be paramount, and that if and when those interests and the interests of the people conflict, the former should prevail" (Laughter). That, sir, is in a sentence, or a couple of sentences, the exact position of the railway in this country *vis-à-vis* these territories.

I do not think really that there is much need to pursue that argument much further, because a very much higher authority than myself in a despatch to the Secretary of State once pointed out that the railway must be the servant of the country, not the country the servant of the railway, and the position of the railway as regards existing assets was such that it was in a far higher state of development than any other thing in these territories. That was Sir Robert Brooke-Popham who, as you know, was Governor and High Commissioner of Transport, and I am sure you will agree with me that a Governor and High Commissioner of Transport is a very high authority indeed. When I talk about the financial policy of the railway *vis-à-vis* the financial position of the

country or territories it serves, I am going to be bold enough to make a challenge. The hon. General Manager I know, a trained economist, and I am merely a student of economy and, of course, entirely in the amateur class, but I challenge him to deny, if he takes a fair perspective of this Colony, that the financial policy of the railway for the last 20 years has led to an entirely distorted economic state. It has been distorted for this reason, that while Kenya Colony has been starved for lack of development capital—the total loan for roads, buildings and everything else are only 4½ millions—this railway has by different means acquired no less than 31 millions capital with which to play, that is 23½ millions capital account and 8 millions in reserves. It may be possible that some members do not realize that this railway has in the last few years—after all said and done, it was only in 1931 that its financial condition was very bad—this railway has during these years taken out of revenue, out of the economy of the country, no less than 15 million pounds. That is composed of 8 millions in reserves, nearly 4 millions in a sinking fund, and something like 3½ millions, an estimated figure, in the betterment fund at the end of this year, and a good deal of that taken out in loans and reserves has been taken out of the country, sent to England, and invested, very often in any sort of security save that of Kenya.

I say it is a ridiculous state of affairs. It is a state of affairs which, I submit, would surely be ridiculous even if the railway were the only means of transport. But, of course, it is not, there are naturally other means of transport, road and so on, and this marvellous state of affairs, this wonderful financial condition, appertains to the permanent way only. There is no getting away from the fact, you cannot argue it away, that while the railway is in this opulent state the roads are in a deplorable state, and there is no air transport. Of course, I appreciate and realize that during the war it might not have been possible, I am not quite sure it is not possible now, to have an air transport service, but even before the war the railway had allowed all road transport to get into the hands of private interests as well as air transport. Sir, I do not believe that in the interests of the railway itself, to say nothing of the

[Mr. Coudrey] interests of the country, this state of affairs can be allowed to continue. I entirely agree with the hon. General Manager that he himself realizes the foolish absurdity of this, and as he was so diffident about this I will quote the words he has published in his printed report: "Rail transport cannot be considered in a vacuum—it must be considered in relation to other forms of transport". That is the view of the hon. General Manager, and I know his record. I know he has put these views into effect elsewhere. I am now going to quote this higher authority. I apologize to the Administration for suggesting that there can be any higher authority! (Laughter.) I am not, of course, talking about anybody in this country, but the Secretary of State for the Colonies. This is what he said, and it is not three or four years ago but less than three months ago, and it is taken from the Hansard of the House of Commons: The hon. Colonel Lyons asked the Secretary of State for the Colonies whether the various government railways in the African colonies are co-operating financially and otherwise with local airway developments and with road transport; and his companies as is now being done elsewhere; and if not, will he urge them to do so as soon as possible to avoid further complications? Colonel Stanley replied: "None of the Government railways in the African territories for which the Colonial Office is responsible at present participate financially in local airway development, although some government railways operate road transport service. I entirely agree with my hon. and gallant friend that the colonial co-ordination of all the transport activities is desirable. I know that the colonial governments share that view, but I will again bring the point to their attention".

Here we have the position when the hon. General Manager realizes that the transport must be co-ordinated, the Secretary of State realizes that transport must be co-ordinated, and he says the African governments realize that transport must be co-ordinated, and I realize that transport must be co-ordinated. I do not know whether I (Laughter.) I do not know whether I should put myself first. Well, sir, it would have been thought, and we could have been forgiven for thinking it, that when all these authorities think that

railway transport should be co-ordinated everything in the garden is lovely, and something would happen. But has it? I will tell you exactly what has happened. A year ago, more than a year ago, in December, 1943, after the hon. General Manager had introduced his railway estimates in his usual charming manner and had replied in an equally charming manner, we on this side of Council were so dissatisfied with his reply that, with the full consent of my then colleagues, I tabled a motion in effect asking His Excellency if he would take steps to co-ordinate this transport. That motion was to have been seconded by the hon. Member for Nairobi South, my present leader. We did not bring that motion forward for this reason. His Excellency sent for us, and he explained that for various reasons which seemed to us to be cogent—anyhow, I am always pliable where Governors are concerned—he asked us to withdraw it and to substitute a question. This is the question: "Mr. Coudrey—in view of the importance of formulating a comprehensive post-war transport policy in East Africa, embracing all forms of transport, is the Government of Kenya prepared to approach the other East African Governments with a view to obtaining a review of the development of all forms of transport in East Africa?" Here is the answer: "Mr. Rennie—Yes, sir; the Government will take the necessary steps". There is nothing equivocal or evasive about it—"The Government will take the necessary steps". I did ask a supplementary question: "Arising out of that reply, will the Government give an assurance that when they have taken these necessary steps and approached the Governments of the other territories, they will notify this Council of the result?" and the reply was: "Mr. Rennie—Yes". (Laughter.)

That seemed pretty good to me. I am getting older, and perhaps more cynical and disillusioned, but even I thought something was going to happen. But what happened? I will tell you what happened. I left the question alone for a bit, and left the Colony and went home on leave, and came back, and I took the first opportunity to bring out what happened on the questions that had been asked. My hon. friend the Economic and Development Secretary was put up to reply. I have not got the exact word-

[Mr. Coudrey]

ing of the reply, and of course Hansard is not yet printed, but I think it was this: "that Government has the matter under examination". "Under examination" if you please—

Mr. TROUGHTON: On a point of explanation, that was not the tenour of the reply.

Mr. COUDREY: Those words were used, "the matter was under examination". I am not very conversant with Secretariat jargon, and I do not know how much hope of action or hope of priority of action can be deduced from that phrase. All I say is that we on this side of Council could not have been more disappointed if the hon. member had said the matter was under "active consideration", and I have already intimated to this Council the sense of frustration which is connected with that phrase. I should like to ask the hon. member Mr. Troughton a question, should like to ask him if it takes Government a year to examine whether a committee should be appointed to examine a project, how long it will take, in his opinion, that committee to examine that project when, after examination it has been decided to examine it? Perhaps it may suit the convenience of the hon. member if he gives me the answer privately!

If this matter of establishing plans for co-ordinating transport were important a year ago, to-day they are urgent, (Hear, hear.) I travel about the country a good deal, but not, of course, by railway, because I cannot afford the time, and anyhow it does not go very much over the country, but I do travel, and everywhere I go I see bus services running, presumably privately owned. Anyhow, before the war privately owned bus services were monopolising the road. Well, if under difficult conditions to-day these bus services can be established and if in time, in a short time, it is possible that the State shall take some part in its own road transport, there are only two courses open to us: either we must somehow or other run these privately-owned buses off the road or buy them out. The first course would be most highly improper, and the second most highly undesirable. There are, of course, other reasons why it is urgent: a matter which has been referred to before, and which

has met with strong approval in the Press, and with on this side are happy about it, is that an era of action is about to be started. (Hear, hear.) Anyhow, there is no doubt that everybody is preparing plans for development. We hear of five-year plans and all that sort of thing. How is it possible to plan properly for the development of this country if at the same time we do not plan for transport? Referring again to Sir Charles Eliot's description of the railway as the backbone of the country, then in the future the roads and air will I believe be pretty nearly the whole of the rest of the body.

I am going to venture on what may seem an absurd prophecy: My belief is that in "years" to come—I shall not be here to see it—if we allow air transport to get into the hands of private vested interests and outside the control of the State, the time will come when the General Manager will come to this Council with a very very different picture to that which he has presented to-day. I believe the possibilities of air transport are not yet understood, and it is at least a contingency that they may one day play a bigger part in the transport problems of the country, even than the permanent way; that is at least a contingency. I have referred to the fact that we have hopes, and so I now ask you, sir, with all respect—and I can be respectful—a question. And in asking this question, sir, I am informing you that I am doing it on behalf of the whole of my colleagues and with the consent of our leader. Will you in such terms as you may feel fitting, and on such occasion as you feel fitting, but in the course of the debate, give us your word, your assurance, that this era of being "under examination" is finished and that you will, when you have had time to turn round, really do something to appoint the committee for which we have asked over a year ago? If you do that, sir, then of course we shall accept your assurance without any reservation of any sort whatsoever, and shall be only too glad to do so. We shall be able to support this motion, and be able to feel for the first time, for many years, that the adoption of the railway estimates has been productive of some good. (Applause.)

[Mr. Coudrey]

That is all I am going to say on the question of railway policy, except to make one more suggestion. If you do appoint such a committee and appoint Government members to this committee—or in my opinion to any committee—you will at the same time present each one of the Government members with the Hansard report of the speech you made in this Council two or three days ago saying that promotion will be by selection. I believe that would be productive of nothing but good. Frankly, I have it "under examination" and it does not go any further than that. I had an idea of printing copies of the speech myself and presenting them to the Council free, but, as I say, that is only "under examination". (Laughter.)

Now, sir, I am going to make a few remarks on the expenditure under the heading of renewals and betterment. I hope I shall not take up very much of your time. Owing to the fact that money is available for renewals, there is a real danger of money being spent before it is really necessary. I am sure the hon. General Manager will agree with me over that. Silence gives consent! He does agree. I am glad of that, because the statement I have just made is a quotation word for word from a circular issued by the General Manager to his chief engineer and his heads of departments. I hasten to add that the General Manager in question was Sir Godfrey Rhodes, and date of the circular was 19th February, 1940, but I am very glad to know that the hon. General Manager agrees with that other great railway administrator. If that danger exists anywhere at all, it must be apparent in the engineering department. If, for example, money is expended before it is really necessary in the locomotive or traffic department, that unnecessary expenditure will immediately show itself in the enhancement of the running costs and everybody will know it, and the General Manager, it quite rightly and legitimately, proud of his running costs. Moreover, if that danger existed in 1940 when the railway, although then in a very good position was in nothing like the same excellent position as it is to-day, it must exist very much more strongly to-day. There

have been allegations, which I am going to voice on behalf of other people, that that danger has eventuated. The statement has been made that for the Nyeri-Thika line money was being spent on ballasting and re-sleeping the line before it was really necessary. That allegation was made by a young man in the employ of the Kenya and Uganda Railways and has been for nearly six years, and it appeared in a section of the public Press. And a very respectable section—naturally, I control that section!

When it first appeared I was very doubtful what to do with it. First of all, I knew it was a breach of discipline, and as one gets older one realizes that discipline must be maintained. Moreover, it was impossible for me to know how much there was in that criticism, and I held up the letter for some time to make some inquiries by the methods which are my business, and I came to the considered conclusion—whether a wrong conclusion—on such evidence as I could obtain, that there was something in the allegation. I persuaded myself as near as one can on such evidence as I gathered, that if the matter was of such a type, that it warranted inquiry, this young man's allegations, this engineer's allegations, would receive considerable support, and considerable technical support. Be that as it may, the letter was published, and since then, of course, I have been inundated and my friends also with correspondence and talk on the matter. There are two things that I could have done. One would have been for me to have sent a question in this Council to which no doubt the hon. General Manager would have replied, but I thought, after consultation with my colleagues, that the fairest and best way in the interests of everybody would be for me to raise the question in debate to give the hon. member every opportunity of replying to it perfectly frankly and without reserve. After all, it has created quite a minor sensation in the country. There are certain things about the situation on which I think it would ask the hon. General Manager to enlighten us.

To begin with, I must freely and frankly admit that the men who started these allegations are a disgruntled officer, there is no doubt about it. He does not like the railway service and wants to get out. He tried to get out and join in the

(Mr. Coul德里). war, and was not allowed to. Of course, it was very reprehensible of him to write the letter. But although I agree that discipline must be maintained, I have been a young junior officer in Service, and sometimes was not quite so docile and tractable as I should have been, although I never aspired to that degree of vexatiousness so freely admitted by the hon. Member for the Coast. (Laughter.) I think most of us in our youth have felt inclined to rebel against authority, even if we have not actually done so, and of course if the young man was not in a position to rebel against authority he could not have made this allegation. I will say certain things about which I hope the hon. General Manager will be frank with us. I find that the ballasting and re-leaping of the Nyeri-Thika line is going to cost something in the nature of £100,000, a little bit over, and I find that something like £65,000 of it is being paid for out of the betterment fund. That would seem to me, somehow, to argue that it is not a question so much of work being necessary now but of improving the line. Hon. members may like to know what are the objects of the betterment fund: to provide amounts for effecting additions and improvements in existing assets; to acquire additional assets without the necessity of using interest-bearing loan capital. That is the idea of the fund. This ballasting, with which I am concerned, frankly, as far as I can make out, is being paid for out of the betterment fund, and I admit it is important, of course it is.

There are certain other things on which I should like to be enlightened. In this circular letter to which I have referred, and to which, my hon. friend tacitly agreed, pointing out the danger of spending money before it is necessary, that a certificate of necessity must be signed by every officer directly responsible for the work. I should like to ask the hon. General Manager whether, in fact, that certificate was signed in this particular case? It is also natural that such certificate was countersigned, presumably by the chief engineer. If my information is correct the chief engineer has not visited that particular part of the line for some four years, since 1939; certainly he has made no inspection notes since

then, yet apparently he was satisfied that the work was necessary without making a personal inspection. I am not conversant with railway practice. I cannot but I should like to ask the hon. General Manager if it is customary in railway circles for a chief engineer to give a certificate that essential works were necessary without a personal inspection? and if he can do that when £100,000 are involved how much money will have to be involved before he does make a personal inspection? Would he do it for £200,000 or half a million? I hope the hon. member will enlighten us on that. I want to make the position perfectly clear. I am not very concerned with the fact that money, or even betterment money, is being spent on this project. I personally believe it would be natural and understandable if the General Manager said to the chief engineer, "Here we are, the railway is in a prosperous condition, we'll seize the opportunity now while there is money available to put the line in a better condition. Undoubtedly it is an improvement to the line". I do not suggest for a moment that that is what happened, and I am sure he will get up with a look of pain and hurt on his face and say he saw no such thing. I am not suggesting he did, but I am saying it would not be unnatural if he did, because I could understand him going on to say, "If you allow the reserves to get too big you will only have that rag at Nakuru saying the money ought to be devoted to roads, or possibly the War Office will say, 'We want a rebate, because you are making too much money out of us'". I am saying it would not be unnatural if he used this money on the improvement of existing assets.

The whole of my case is based on the fact that, very unfortunately, there is to-day a very acute shortage of labour and this work, which I maintain is largely betterment work which will be paid for out of the betterment fund, is being carried on at a time when other big organizations are actually suffering for lack of labour. Many district councils, for instance, have had to drop their maintenance programmes altogether for lack of labour, and they cannot even maintain their feeder roads to the railway which are in a deplorable state because they cannot get labour, and naturally, people are concerned that the

(Mr. Coul德里) railway should at a time like this be utilizing large gangs of labour on which I should have thought was betterment but which the hon. General Manager tells me is in the interests of safety. In a letter to me—because we are still friends—he said he had run undue risks by not doing it before. I know perfectly well that any expenditure over £750 has to be approved by the Railway Advisory Council, and the Railway Advisory Council did approve, of this particular item of expenditure somewhere, I think, in 1941, when the labour shortage was not so acute. But they approved it, because of course they could not do anything else. No non-technical body meeting about three times a year could disagree with the chief engineer's statement that the work was necessary. It must be sometimes rather difficult for the General Manager, who is not an engineer, to say to the Chief Engineer "I do not agree that this is engineering work for a moment, and would not, that there has been any improper use of the money in the railway. What I am suggesting—and until I can be assured (and it will take a little bit of reassurance) by the General Manager, I shall continue to suggest—is that the railway is, at the moment using like bodies of men, I believe something like 700, and if further quarries are opened that number will be increased, at a time when other quasi-military organizations such as district council maintenance programmes for ordinary maintenance programmes for lack of labour. Every one of my colleagues will know exactly how acute the labour shortage is. I do not expect the head of a paramount body like the railway to appreciate it, but every one of us does, and I say, and I am open to be proved wrong by the hon. member, but if I am right, if it is unnecessary work, it is entirely wrong that this large gang of natives should be employed on work that could be deferred. Again, I repeat that it is a good thing to have the rail- that it is a good thing to have the rail- way ballasted. Lots of hon. members can remember the time when the main line from Mombasa to Nairobi was not ballasted. I will remember it for 20 until the 20's that it was done. For 20 years odd it remained unballasted. It was years odd I remained realized until uncomfortable, but I never realized until I got my letter from the General

Manager that I was running risks in travelling over it. I do not think I should have done it, but I know that.

That is all I have to say on the matter, and I express the hope that the hon. General Manager will deal frankly with us. We have no wish whatever to embarrass him. All we want is to be reassured ourselves and to reassure our constituents that labour is not being unduly used on work which could be deferred until the labour shortage is not so acute. I hope that at the end of the debate I shall be able to support this motion.

HIS EXCELLENCY: I should like to refer to the matter of co-ordination of transport, which I am aware was raised last year on the budget debate on the railway estimates, to which there have been more recent references and which, of course, anybody with the responsibilities that I have here must in any case have very prominently in his mind. I had intended of this question, in view of the fact when I came here, in view of the fact that this session was opening, to deal with the matter as soon as the session was over, but when I learned that it was to be raised this morning I thought it was preferable to deal with it as far as it can be dealt with at once, for hon. members are entitled to a plain answer. (Hear, hear.)

The situation is this. A great deal of preliminary work has, of course, been done in the last year. The General Managers have met and discussed and studied this question, the Director of Works have met and, as far as the air is concerned, the situation is well advanced. There are difficulties and, of course, many matters outside our borders are concerned. In addition there are ancillary questions like the national parks legislation which is before Council, questions of tourist traffic which are being studied at the moment, and some progress has been made in this country, and I believe also in others, in relation to the post-war settlement of people on the land. So, having all that in mind, I decided that a statement ought to be made this morning, and I have consulted the Governors of Tanganyika and Uganda over the week-end; they have both told me that they are prepared to join at once in a preliminary investigation to see if a joint inter-territorial conference or a full scale investigation of

(H.E. the Governor) these problems is justified at the present time. That, hon. members will agree, is a preliminary and necessary step. A lot of preliminary work has to be done. I have also, very good hopes of having secured, by great good fortune, a very experienced officer of considerable ability immediately to take charge of the secretarial work which will begin at once.

In considering these problems, I felt it desirable to set down in the form of draft tentative terms of reference what appeared to me ought to be inquired into. I do not want to be regarded as consulting myself or this Government or, indeed, anyone to these terms of reference. I propose to read them over to Council at this stage as an indication of how my mind has been running on the matter in order that it may be possible to give further thought and consideration to it when it is made public. If and when we come to a general inquiry, it may be that these terms may be found unsuitable and, we may have to limit or expand them or redraft them completely. They are at present what one may call mainly first thoughts on the matter.

I have put down these tentative terms of reference to the body which would investigate these questions as follows:—
(1) to consider existing organization and proposed developments of rail, inland and coastal waters (including ports), road and air transport so as to ensure that necessary co-ordination and collaboration are provided for; (2) in particular, to examine (a) proposed main trunk road, improvements or new construction so as to ensure co-ordination of standards and alignments; (b) existing and proposed transport facilities in relation to proposals for development of tourist traffic; and (c) establishment of additional parks; and (3) consequences in terms of transport facilities of proposals for new settlement of all races; (3) to consider proposals of East African Governments for resumption of civil air services in relation to other forms of transport and to the military or naval air stations which it may be desirable to retain for the purpose.

That is as far as I have got. I have one other observation, I think it probable that when you turn your mind to the magnitude of the whole problem, the investigation is likely to resemble a con-

ference rather than a committee. I think there are so many interests and so many subjects that we shall find ourselves under the obligation to do a great deal of advance study and preparatory work, and subsequently refer it to a body more likely to resemble a conference rather than a committee. That will emerge when we have carried the matter a little further, but that is how the thing stands at the moment. (Applause.)

MR. VINCENT: Your Excellency, it was with great gratification that I heard the announcement that you made on the matter of a transport conference. We are all conscious of the vast ground that the conference will have to cover, we realize that to a certain amount, as you stated, of investigation had in the meantime been undertaken, but what we object to in a case like this is why could we not have been told so, why could we not have been taken into Government's confidence, to let us know what was going on. I do hope, sir, that from now on we can feel that we have the confidence of Government, because we are not enemies—we are anxious to assist in every conceivable way. (Hear, hear.) While I am on that subject, I would suggest that the minutes of the Railway Advisory Council and the Harbour Advisory Board should be sent to the elected members of this Council. I am not suggesting that I have not always received all the information that I have required from the Railway Administration; but my point is that I think we should not be expected to ask for it. I think we should get it as a matter of course and, in fact, practically every important report—that they should all be sent to the elected members. (Hear, hear.)

The hon. Member for Nyanza has covered the ground very thoroughly, and I consider in a very restrained and competent manner, but there are one or two points which I should like to make from quite another angle. If I may take the first point, a personal point, for the purpose of keeping to the budget I will bring it up under the heading Welfare Officer, Absent-E memorandum. There was a principal involved in what the hon. Member for Nyanza introduced this morning, and that is the relationship between members of the Administration, and if you will allow me, sir, I will also

[Mr. Vincent] bring the ordinary staff of the Administration into this, and we people who were elected or voted for by them. At the present time there is a very unsatisfactory situation existing, and you may not be aware of it. From the Railway point of view, the Railway Administration officers and employees I understand are not forbidden to talk to their elected member. On the other hand, the Administration as a whole have had definite instructions that they must not approach an elected member. To me, I think this is entirely wrong. I know you have your two committees set up, first the Railway Welfare Committee, and now you have a very competent Civil Service Advisory Board. I do consider that an official should not be debarred from consulting his member, nor does it court a great deal of that sort of thing, but there have been times before the ruling was given when an official has come to me, and I have been able to help him. But the fact of the matter is that even to-day the Civil Servants Association is unable to communicate with me. When I do hear of a case—one can always get round these things—a wife, an uncle or an aunt comes to see me, and I used to be in a position of asking the Association's advice, but now this is also denied me. I know it does not come within the motion, but I should like further consideration given to that point. We are a free family, we are one community, and a great many of our senior officials are settling in this country, and no longer shun poor Kenya forournemouth, Hastings, or Margate in their retiring years.

We are just going through formal motions of adopting the Railway Estimates, and I am a little worried in one respect. That is this. If the Council it is should get into trouble financially, it is this Council they would come to primarily to make good; that the hon. I was going to suggest that the hon. General Manager, or ask him, if he would consent to come before the Standing Finance Committee before the estimates are published just to explain any points which might arise. But I will not ask him that direct question, because I know that though he is in the unfortunate position of doing so, say in the Bible it is impossible, if he has to

come before the Standing Finance Committee he would also have to go before the Uganda Committee. But while we are able and are allowed by the President of this Council to discuss matters of policy relating to the Railway in this debate, I think the point is fairly well covered; so that if an early copy of the estimates can be provided for the Standing Finance Committee—who, after all, are a committee of this Council and responsible to this Council—I believe they would appreciate it, and certainly as a humble member would also appreciate it.

In creating a good asset in the guise of the railway I have no quarrel whatever. I believe that Colonel Hammond was right in his recommendation to keep the railway as a separate entity, provided that it is carried out in the right spirit, and we can feel that there is no undue wastage. That brings me to the point of renewals in page 3 of the memorandum. The hon. General Manager states in his memorandum: "The renewals contribution of K43,379 is £8,633 more than was provided in the 1945 estimates, due to additional assets having been placed in service". In my opinion, when things are good, when money is free, when you are on top of the world, I believe you stand in far greater danger of taking a wrong view of things that you do when finance and trade are tight and you have to examine projects with closer consideration. On this question of renewals I am not happy about it at all. I am not criticizing, I am merely asking for information, because I believe the public should be given information on this point. According to this paragraph, one would be ready to believe that your renewals are based on a percentage on the total figure of the assets involved in a percentage. From my point of view, I am a little pessimistic, you cannot in any way have the same method of ordinary business use of depreciation of arriving at depreciation in vehicles and rolling stock which are performing much greater work over the same period of time as compared to operations before the war. You just cannot do it, and when the reserves of the railway may appear to be considerable, I would like to see the figures taken into account by the hon. General Manager to tell us whether this point has been taken into account. Your rolling stock is operating against a much greater danger than it was before the war; and I am apprehensive

[Mr. Vincent] least that rolling stock suddenly collapses, and I would like to know the basis upon which you have computed your renewal figure. I do not think it is sufficient, and I believe your figures on that are optimistic.

There are one or two other questions I should like to put the hon. General Manager. What is the position of supplies of further rolling stock, track supplies and equipment? He gave us very clearly to understand that as far as liabilities were concerned, during the coming year we could not expect any and, therefore, as I am so pessimistic on the subject, and as the railway is being used for the essential purpose above all of the military, I would like to ask him, probably not very tactfully, but I must ask: Are his requirements being regarded as of military priority? and is he getting assistance from the military in getting shipments made on priority, recognized as being military priority? A point I raised in the Defence and Supply Council three years ago was the very low rate which the Railway Administration charge the military. I think very properly. I think 8 cents a ton mile for all military traffic. I challenged that figure at the time, and I still challenge it, although I do not suggest that the figure is altered, but I would draw attention to the fact that the reserves set up should take care of any shortfall arising from that low rate. I do not believe that we can take too much trouble to realize the after effects of the war, and I think we are justified in making certain that we take very great care that every contingency which can be humanly thought of is thought of, because we do not wish to be left with a broken-toy at the end of the war. Therefore, I believe that on examination the hon. General Manager and his technical advisers may find that they have to alter the relationship in the amounts in the following headings: renewals, betterment, and rates stabilization. A certain amount of criticism may be levelled at this country because we have these rates stabilization, but I am satisfied that there are very good arguments why this fund is vitally necessary, especially for post-war years.

One further point, and that is this, that I do hope this transport conference will seriously consider the real amalga-

mation of the East African railways as such. It was a bitter disappointment to me when the present General Manager was appointed to his present post, and his very competent assistant general manager was left here to carry on, to suddenly realize the position just stood as it was before. There was no man with greater knowledge of the railway who could at that juncture have successfully handled both, not to the exclusion of the other community but on the grounds of ordinary commonsense and economy, and I do hope that point will not be lost sight of when this conference on general transport sits. We cannot afford to pay more for transport than is absolutely necessary, we cannot afford to be unfair to any territory or any portion of any community of any territory, and I think we must always in our considerations look at these matters from an inter-territorial point of view. We must always set up these bodies and invite the other countries to join them, and because they will not join that should be no excuse that we cannot put our own house in order. (Hear, hear.)

MR. PAROO: Your Excellency, the railway estimates are generally of a very technical nature, and therefore they make unintelligible reading, particularly to laymen and particularly to the Indian representatives who have had no insight into their preparation by having no Indian member on the Railway and Harbour bodies with whom they might be able to discuss matters prior to offering any criticism or making any observations on them. I also notice that in the past few years the method of giving details in this printed booklet submitted by the Railway Administration has also been changed, and they perhaps make a more obscure picture. The reason for this change I am not aware. It might be on the ground of economy or it even might be on the ground that the members on this side of Council should be able to offer the least criticism on the estimates and thus avoid putting the hon. General Manager in these last three years. I have noticed that he has withstood criticism without embarrassment and a broad smile on his face, and he had made not the slightest change in what he has submitted as his firm opinion. It is difficult for me to make any general criticisms

[Mr. Paroo] on the estimates, but I should like to raise a few points connected with the services and terms of the Asian staff serving in the railway.

The first point is this. The railway is going through a very boom period now as proved by the estimates submitted to us, and yet the terms and conditions of the Asian staff serving in the organization seem to have had no improvement. For instance, if you refer to page 5 it gives the scales of salaries of the Asian clerks in the 5th grade, and they commence at Sh. 105 which, in wartime conditions, for an educated person to join as a clerk I consider is not a living wage. This matter of a living wage was once referred to the Director of Man Power, Mr. Harragin, and he gave a ruling that Sh. 150 should be the minimum wage to which an Indian clerk should be started, particularly under wartime conditions. The second point is the method of giving promotions, and the method of giving progressive grades. It is unlike the Civil Service, where a Government employee from the lowest grade rises to the higher grade fixed for Asians automatically, whereas in the railway the method is give a concrete example, a station master in the 5th class. He starts at Sh. 165 and rises to Sh. 250; then he has to wait until there is a vacancy in the 4th grade, and several cases have been brought to my notice of station masters or storekeepers or clerks having to wait 2 or 3 years before they can get into the higher grade and get the salary of that grade. That is a policy of stagnation which has been very discouraging and discouraging to railway servants, especially as regards Asians. The question of artisans engaged in the railway, I consider there should be all the permanency for them, with all the privileges attached for this class of people, if the railway wishes to avoid any further strikes as we have seen in the past among the railway artisans and labourers. The fourth point is in connexion with leave for railway servants. The suggestion has come forward to give 18 days' local leave instead of 14. I understand that some five days are given as religious holidays, but very often owing to work those days are not granted, only the 14 days. It should like to suggest that it be extended to 18 days' local leave. Another point is that at the

moment those who go on leave to India, on their return they have to wait at the port in Bombay for a passage several days owing to the uncertainty of the sailing of the steamer. They have to bring their wife and children along with them. I understand that for European servants certain allowances are granted for the family and the servant while waiting for embarkation. I suggest it should be considered by the hon. General Manager for the Asian staff.

The widows and orphans pension scheme amendment, I understand a scheme has been prepared and has gone to a higher authority, which is Your Excellency as High Commissioner for Transport. I wonder whether that is being delayed in your department, sir? (Laughter.) This will give some relief. If such amendment is passed as soon as possible. One point I wish to raise is the class passengers, separate coaches for women. The seriousness of this point has, I think, been overestimated despite the fact that the Indian members have been drawing attention to it in this Council for the last three or four years. At the moment the third class carriages are so much overcrowded, particularly when there are African military and personnel travelling, and the women have to travel with them. I am not suggesting, as far as I am concerned, that there should be any racial discrimination in this. The Indian and African women can travel together. The point I raise is that there should be separate accommodations for women without any distinction of race or colour, but it is absolutely necessary in present days. I am sure that the one difficulty which the railway will say they are up against is shortage of carriages, but I think that if it is known how many women travel daily on certain trains, some difficulty could be overcome. One point which is repeated every year in this Council. It is in connexion with the Indian representation on the Railway Advisory Council. Whenever this point is raised I see smiles on the faces of several hon. members. It is a coincidence, perhaps, that Your Excellency should also come from Tanganyika where Your Excellency had a certain period of administration. The hon. General Manager had also a few years' service in Tanganyika, and perhaps Your Excellency is also aware, as well as the hon. General Manager, that in Tanganyika

[Mr. Pargo] nyika there are two Indian members on the Railway Council, and I can assure you that owing to their presence on that Council the railway has not stopped working. (A member: Why?) (Laughter.) Perhaps it is run more according to the time table than the Kenya and Uganda Railway is. (Laughter.)

I have a strong complaint against the hon. General Manager, this morning: I could not have my bath because the train did not arrive until 5 minutes to 10 and I had to rush from the train to this Council. That is the way this railway is run: (Laughter.) The trains at the moment are so irregular that I should like to mention a story about an Indian State Railway which is generally renowned for not being punctual or not being on time. A visitor went to that Indian State and came to the station at 4 p.m. when the train was scheduled to arrive, and he was surprised when the train came in exactly at 4 p.m. He said to the station master, "I have heard that your trains generally do not come in on time, and to-day it arrived exactly at 4 p.m." The station master replied, "This is the train which was due yesterday." Probably this anecdote may shortly apply to the Kenya and Uganda Railways. (Laughter.)

MR. BEECHER: Your Excellency, I very much regret that it has been indicated that this is merely a formal motion and that very little useful purpose may possibly be served by adhering strictly to the terms of the motion, because it is obvious that considerable benefit will arise by a dignified discussion of certain matters connected with the Railway Administration and which such an attitude towards this debate forbids. I have only two points to make, and in comparison with some of the matters raised earlier in the debate they may appear somewhat trivial. My first comment arises from Head XI, Abstract E, Expenditure Account, and refers to the provision which the Railway Administration makes for African welfare generally. I should like, if I may, to congratulate the hon. General Manager on the very considerable and very impressive development in African welfare which has taken place for the Railway Administration's staff. I have before me here a very instructive report of a visit

by a group, if I may so describe them, of very discriminating ladies to the Railway's Nairobi location, and they gave unstinting praise for what the General Manager and his staff have been able to accomplish by way of welfare for their staff here in Nairobi. At the same time, I should like to draw attention to what appear to me to be a few outstanding matters. There is the easiness in the Railway staff about the rather unsatisfactory water supplies for them in that location, and to the fact that they have to have communal bath rooms and other communal sanitary amenities. Last it should be suggested that they pay nothing for these services, and are, in consequence, not entitled to grumble. I would point out that as far as I am aware they pay Sh. 24 a year for conservancy in that location, and it would be in the interests of all, I think, who have to live there if some of the sanitary amenities there could be remedied.

One feels regarding the African housing in the Railway location that the General Manager's staff of planners are rather still tied to the butt and bent type, more particularly for the menial staff. The hon. General Manager will say it is impossible under present circumstances to make any major improvements, but an announcement of the fact that he has under consideration improvements for the manual staff in particular will be welcomed. Before leaving that point, I should like to call attention to the comparative lack of welfare which exists among the railway gangs working out-side Nairobi, and I trust the hon. member will give consideration to that and give some indication of his intentions to improve them as soon as opportunity occurs.

Secondly, I should like to deal with 3rd class railway travel, and this can be attached to that section of the revenue account which deals with revenue accruing from passenger traffic. If I understood him correctly, in his very able speech the hon. General Manager referred to the fact that the pressure on passenger traffic during the past year had been exceptionally heavy. He held out very little hope of any amelioration, and indeed there was no prospect of further rolling stock becoming available to the Railway Administration during the

[Mr. Beecher] current year 1945. I realize the Railway Administration's difficulties in this particular respect, but I should like to record my support for the plea which the hon. member Mr. Pargo made for some consideration to be given to providing reasonable facilities for women travelling by 3rd class to be able to travel in decency and a reasonable measure of comfort. That, even with the pressure on the railway as it is at the present time, is something which we ought not in common decency and fairness to be overlooked. At the same time, I would suggest that it is not beyond the powers of the Administration to devise some ways for ameliorating conditions generally under which 3rd class passengers have to travel. I repeat that I fully appreciate the difficulties of the Administration, and in order to save the hon. General Manager the trouble of quoting figures at me may I quote some here—

I realize that in 1936 the number of 3rd class passengers travelling during the course of the year on the system was something short of 500,000—I think the actual figure was about 476,000; by 1939 the figure had grown to little short of a million—862,000; but in 1943 I gather the number of 3rd class passengers for whom accommodation had to be provided on the railway was 2½ millions. Now, one of the reasons for that, in my opinion, was that the African was travelling for pleasure. How can he so regard it? I fail to understand, but that is a fact. Quite a number of Africans travel in these conditions, which can only be described as an appalling way of travel, because they had money for the first time and desired to travel for the first time. They could afford to wait for several days at Kisumu before they found themselves able to squeeze into that accommodation they were provided for them; and similarly, when they returned from Nairobi, they were able to wait several days before they again found themselves squeezed into such accommodation as the Railway Administration was able to provide. The real consequence was that the African who had to travel on business, the African who had reasonable grounds for travelling was for the most part unable to afford the time that it was necessary to wait in any one station and see trains go past before getting accommodation;

and so was unable to travel. I should like to suggest, if I may, on behalf of the Africans who have to use the 3rd class on the railway, in order that they may carry out their normal avocations, that they should be provided with some form of priority travel in the 3rd class. It is never a welcome suggestion that there should be any addition to existing facilities, but I should like to suggest that the General Manager, in consultation with the Administration, should have the possibility of devising some system whereby priority treatment be granted a person who has to travel on business and travel 3rd class, so that he may be reasonably sure that, although no accommodation is reserved for him as such, he has a reasonable chance of getting on the train when he wants to, and get back within a reasonable time. I repeat, I fully realize the difficulties of the Administration, but I should like the hon. member in his reply to indicate that some consideration has been given to that point.

MR. COOKE: Your Excellency, as I listened to the opening remarks of the hon. General Manager, I was afraid that he was going to indulge merely in apologetics, and I was therefore glad that he was warning to his subject he became more belligerent. I know he comes under that on this side of Council, but he is unduly critical of the railway, and he himself realizes, I think, that throughout the country there is a feeling that the railway are authoritarian, to say the least, and whatever argument there may be in favour of an efficient dictatorship, I find it difficult to find any in favour of an inefficient one; not that I am allergic because I personally think it is the spite of all criticism it is the most efficient department in this country. There are two remarks the hon. member made which I should like to talk about. He mentioned the shortage of fuel and the shortage of water. When I see the soil erosion which has taken place in this country and the cutting down of trees, it always seems to me a most regrettable thing that the railway has made their own plantations; and I never had their own plantations, and I do suggest that the feasibility of getting Crown land for railway plantations, because it does seem to me the fact that a problem will be a problem for many years to come, and it is not too late now

[Mr. Cooke] to start planting quick-growing trees. The other point is the shortage of water. The hon. member mentioned boreholes, and I think other things, but he failed to mention dams. I think, especially from Kibwezi to Mombasa, there are ample opportunities to put in large dams, and that seems to me to be legitimate expenditure against railway surplus funds. Not only is the water useful for the railway but will help a great deal towards soil conservation in this country. I know of one that was put in in the Vol Hills. It was not a great success at first, but now it is a source of water supplies.

I would like to support what the hon. Member for Nyanza said about the question of the Thika-Nyeri line and the remarks he made. It seems to me that the arguments he brought forward require from the hon. General Manager a full and free statement, and if that statement is not perfectly frank and convincing I do not see that this side of Council has any alternative except to ask for a full inquiry into the allegations made. There is one complaint that I was asked to bring up, which may seem trivial in war time; that is, the deterioration of the food on the trains. I know that we cannot expect anything so good as we got before the war, and it used to be very good too, but it has deteriorated since the rationing system came in. The meals are cheap, only Sh. 2, and at first they were very good, but now they are very much less good, and the cooking is not all that could be desired. I myself seldom travel by rail so that I cannot really substantiate what has been said, but these complaints are universal nowadays.

I dislike bringing up in this Council individual experiences, but I have been asked to bring up a question of a friend of mine, an old resident of the country, who purchased a ticket at Njoro to go to Mombasa. The hon. General Manager knows all about it. He rang up the railway and was promised that accommodation would be provided when he reached Njoro at night. He is, as he describes himself, an elderly gentleman, and although he had a first class ticket there was no first class accommodation, and he was asked to get into a second class coupe, which he did. Both berths were occupied, but the man who had the

upper berth nobly surrendered it to him. He fell asleep, and the first thing he knew later was that he was on the floor of the compartment. The next thing he knew was that he was in a nursing home at Nairobi, and he remained there five or six days. I know the talk about difficulty of accommodation, but it has always seemed to me that the Services are unduly favoured in this matter and that there is a lot of unnecessary travel by the Services. They are, I think, compelled to take leave twice a year for a fortnight, which leaves a lot of Government officials unable to obtain, and they unduly occupy these berths. I think that is a matter which requires consideration, even taking into consideration the war difficulties.

The hon. Member for Nairobi South touched on one subject which did not seem quite relevant, but he managed to get away with it about Civil Servants approaching their elected members. I was the first one to raise that point in this Council, and at that time the Chief Secretary was in the chair, and the Acting Chief Secretary was acting as at present. I brought this matter up, and said it was a challenge that I at any rate on this side could not allow to go by the board. The reply then from the chair was that the matter would be considered and that the Chief Secretary would give an announcement on it when he was back in his old position, but no announcement has been given. I feel that if you debar them from approaching their member it is really disfranchising these servants, and no Government has the right to do so. It would not be tolerated in England because there would soon be a public outcry on the matter. Finally I would ask the hon. General Manager if he is thinking ahead to improve the railway coaches, because the lighting of them is extremely bad, and if he is going to have competition as we are told he is after the war from roads and air, it is absolutely essential that the comfort of passengers should be improved; and also, if he is contemplating road services which as you know, sir, are so general in Tanganyika nowadays. That, of course, comes in the problem of the co-ordination of transport.

MR. ROBINS: Your Excellency, first of all, it would be ungrateful of me if I did not acknowledge with gratitude the

[Mr. Robins] which have been paid by my staff tributes which have been paid to my staff and, I think, directly or indirectly, to the Administration. I notice that that causes a little hilarity on the part of the hon. Member for Nyanza. You have, sir, made an announcement on what has been probably the most important question which has been debated this morning. There is nothing that I can add to that, in fact, it would be presumptuous of me to try and do so, and I think hon. members are satisfied that this is a very real problem and that an attempt is being made to meet their requirements as to how we shall co-ordinate all forms of transport.

Dealing first with the speech made by the hon. Member for Nyanza, we get the old hardy annual, and I suppose that I must give the old hardy annual a reply. First of all, he complains that the Railway Administration does not pay customs, does not pay taxation, does not pay excess profits tax, and does not pay anything else. That is true, but, as I have pointed out time and again in the last twenty years, as far as I am concerned I have a completely open mind on this question. If you wish the Administration to pay customs, taxation, and so on, if the hon. Member for Nyanza has a complete mandate from all users of the Administration's service, which I beg leave to doubt, I have no doubt such a method could be devised. But in the end the people have got to pay for it, and through railway rates. The reason why that taxation has not been imposed through railway rates up to the present is because we have met the wishes of the people. The present set-up of the Kenya and Uganda Railways and Harbours which took place in 1921 and 1922, and as a result orders in council and laws were enacted which were enacted with the free vote and free will of the people of these territories. If they want to change that policy there is no reason why they should not, but I want to be assured, and no doubt the Railway Advisory Council would want to be assured, that there was a public demand for that change in policy. Personally, I think it would be most unwise. I need not go into details, but the burden would not fall evenly, and that is the reason I think it would be unwise. But it could be done.

The other point is that we come back to his statement that the reserves are eight millions, and I would again point out that they are not. The renewals fund is exactly the same as depreciation in an ordinary man's business, and if you do not put money into that fund sooner or later when you want to carry more traffic you will not be able to have the locomotives and wagons to do so. You have got to make provision so that as the assets wear out you can replace them. There, again, the policy is the policy asked for by the people of East Africa. It was their complaint in 1922 that no such provision had been made. Have they changed their minds? Do they want to go back to the pre-1922 days? If so, let us have a mandate and know all about it. The hon. member asked me as an economist whether I was satisfied that the position in the railway did not distort the whole economic structure of East Africa? My answer to that is that it may have got a bit distorted, but, in my view, it could be easily corrected. But surely you do not want to correct it by reducing the efficiency of one department—you want to correct it by raising the efficiency of the other departments. (Laughter.) The next point was the question about investments outside this country. There, again, I think it is an extremely good point. I think it is a matter for consideration. But I think he has overlooked that since the opportunity occurred for the Railway Administration to invest its funds in this country, we have roughly— I am speaking from memory—two millions invested in local war savings, and if there is an opportunity for investment in East Africa, which is not for me to decide, I am absolutely satisfied it would be in the whole that interests of the country as a whole that we should invest our money in East Africa. (Hear, hear.) Up to now we have not had that opportunity.

Now I come to a rather unpleasant matter. I am very sorry that this matter has got to be discussed. That is a question which has been raised by a member of my staff. I am glad to see that the hon. Member for Nyanza realizes it is important that there should be discipline in the Administration. I must say quite frankly that if there is no discipline in the Administration no

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General Manager could carry on, and I would like to suggest, neither could members on the other side of Council who are running business carry on unless they had discipline among their staffs. It is a fact that a circular was issued by my predecessor pointing out the dangers of premature renewal—I have also reiterated those general instructions. On the other hand, I am absolutely satisfied myself that adequate steps are taken to prevent wasteful expenditure. I do not think that I need go into absolute detail, but in the case, for instance, of a renewal I do not and would not allow, and neither would the Railway Advisory Council allow, a renewal to take place unless the asset has been surveyed by technical officers. There I would like to point out that we do not select heads of departments to carry out a survey, but we select a man by his ability in connection with the work for which that asset is used. I will now do what at least two hon. members asked should be done—give a free and frank and full reply to the allegations which have been made.

This is the unpleasant part about it. First of all, what manner of man is this who is making these allegations? The man himself holds an engineering degree at Cambridge, but he is not a chartered engineer, he has had no previous railway experience only that railway experience which has been gained in the services of this Administration. I have examined all the confidential reports which have been submitted on him by his senior officers—that is not the chief engineer or assistant chief engineer, but his district officers—and those reports, which, of course, were submitted long before this particular question was raised, were unanimous in questioning his lack of railway experience. The man's real grouse is to get out of the Administration's service. He joined the service in 1937, I think it was, and he asked for permanent employment. After the war broke out, it is true that he asked to be released, and was refused for very obvious reasons. One is, of course, that had we known he only wanted temporary employment we would not have taken him on in 1937 when we could have got engineers. At a later date during his career, when I returned to Kenya, he said that he did not want to make the

railway his permanent career, and asked that he should be allowed to opt not to take a pension, because he thought that by being on the pensionable staff he was more or less tied. I accepted his argument, and I made him a temporary engineer and, this is a matter of some interest, I also compensated him by raising his salary because he was on a temporary post instead of permanent, so that there was not much injustice there. This man has alleged that his conscience pricked him to such an extent that he feels he must expose this particular instance. His conscience pricked him to such an extent that he did not think it necessary to discuss these technical questions with either the assistant chief engineer or chief engineer, neither did he discuss the questions with me. In justice—

MR. COULDRAY: On a point of order, he asked for an interview.

MR. ROBINS: In the hon. member will allow me to continue. In justice—the words I was using when I was interrupted—I must say this man appealed for an interview with me, but the grounds on which he asked for an interview were these. He had asked to be released from the Administration's service on the grounds that the war was practically on us and the chief engineer had refused to release him and had held him under the Defence Regulations. The man then appealed against the decision on the grounds that other engineers were being allowed to go on leave and that it was very unfair that a temporary engineer should be kept while other engineers were allowed to go on leave. The chief engineer adhered to his decision, so the man appealed to me, and in the course of his letter asked me for an interview on the question of his release from the Administration's service. I was not quite satisfied as to whether, in fact, we were justified in retaining one engineer while allowing other engineers to go on recuperative leave, and because I was dissatisfied I consulted the hon. and learned Attorney General in his capacity as Director of Man Power and asked him whether he felt it was justified in retaining an officer who was on temporary terms in the service while other people went on leave, and I was told that I was fully justified in doing so. I then wrote a conciliatory letter to this man, saying that I

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realized the position and was very sorry I could not accede to his request because, in fact, I could not carry on with a shortage of engineers, and I said I had consulted the Director of Man Power; in these circumstances, I could see no reason for granting an interview in that I would only reiterate that he could not be released from the service and that I had consulted higher authorities. No mention was there made that he had a technical case that he wished to argue and in any case, even supposing he had, I should have asked first of all that he argue it out with the technical officers, either the assistant chief engineer or the chief engineer. Quite obviously, the man was determined to get out in another way, and he broke the regulations in the hope, of course, that I would retaliate by dismissing him.

I do not want to deal any more with that aspect of it, but unfortunately it is necessary one should have that in mind as the background. That is the type of man whose statement it is suggested is an indictment which ought to be laid against the General Manager. Well, what is the indictment? The indictment is, roughly, that there is a waste of man power and that there has been extravagance. I think that is the basis of the indictment—

MR. COULDRAY: On a point of order, I never alleged extravagance. I said the expenditure was probably advisable. It is the waste of man power on which I base my whole case.

MR. ROBINS: I am sorry, I gathered that the point was that the Railway had money and was anxious for it to be spent. I withdraw the argument that it is extravagance, and I will therefore deal with the waste of man power. This is going to take some little time to explain, because I have to go into certain technical questions.

The case concerns the re-sleeping and ballasting of the Nanyuki line. First of all, I would point out that the life of a sleeper is usually calculated, and experience and data show that the life of a sleeper is approximately 33 years, and provision is made in the renewals fund on that basis. When the Nanyuki line was built, second-hand sleepers were used, and those sleepers had already

done 23 years service in the main line. It is necessary here to point out that the Administration is required, of course, by law to maintain the safety of the railway and, consequently, the chief engineer—not an assistant engineer—is required annually to give a certificate in regard to the safe condition of the line. Equally so I am held also responsible for the safe condition of the line, which is only right and which is proper. I should perhaps mention there and would like to emphasize that it is the chief engineer on whom the responsibility rests to give the certificate, not a Junior. In 1937 the then chief engineer expressed his opinion that this line was not properly safe and that he had some hesitation about his certificate. By that time the sleepers had been in for 37 years. He expressed his opinion that the time had come when the renewal of these line had come when a matter of considerable sleepers was a matter of great urgency. He presented his case to Sir Godfrey Rhodes in whom I think all members on the other side had the utmost confidence, and Sir Godfrey Rhodes accepted his argument that it was a matter of urgency. Sir Godfrey then placed the matter before the Railway Advisory Council, in which he proposed a 6-year programme. That was accepted by the Railway Advisory Council, and the work was started.

The Abyssinian war then intervened, and the traffic demand on that line were extraordinary in heavy, and it was decided that although there was a risk to postpone the risk it was a legitimate one to be undertaken while the demand was so heavy, because the military authorities represented that any interference with traffic conditions on that line would have a very serious effect in regard to the Abyssinian campaign. In 1942, soon after I had returned to this country, the traffic on that line had fallen. It did not fall to the extent suggested by the engineer who is complaining, but it had fallen, and the present chief engineer pointed out to me that it was a very unfair responsibility for him to carry on to provide me with a safety certificate in so far as that line was concerned. He also pointed out that there was a question of quite considerable finances involved. He pointed out first of all that, owing to the delay which had taken place, that in fact, if we

[Mr. Robins] started with all the resources we had got the last sleeper would not be out of the track until it had been in the track for over 50 years, and he made it quite clear from his point of view he was not prepared to carry the responsibility of giving a certificate in those circumstances. I reviewed the whole case, and the only alternative that was open to us was this. If we deferred it any longer and at the same time he wanted to avoid this very serious position of the sleepers being in the track for over 50 years, the only alternative would be to put new sleepers in at enormous cost, and of courses they are unprocureable now and for some time after the war. The reason for that is this. Owing to the ingenuity of the present chief engineer, when this programme was first put up, he drew up a design by means of which a plant could be built which recoditions these sleepers in the period laid down. But, of course, the recoditioning plant is limited, but the number of sleepers put through it was such that it saved this country hundreds of thousands of pounds, hundreds of thousands of pounds. After reviewing it, I came to the conclusion that we were justified in going on with this work.

At the same time the question arose about ballasting, and the chief engineer said they were allied questions, because the soil in that area is not suitable soil for laying a track and it was subject to considerable disturbances, it would not bind, and so on, and he said we would never make the railway safe without ballasting. He drew my attention to a very narrowly averted disaster in 1942 as the result of the collapse of soil. He said that if we wanted that line to be safe, we must in fact ballast the line, and suggested then that even if we put the work in hand at once it would take at least two years. Again I examined the case. In detail, put it to the Railway Advisory Council, and I explained it as well as I possibly could, and I would remind hon. members that that Council has the right to call for the chief engineer or any other of my technical officers. The Council decided that there was a case. Therefore I issued instructions that this work was to go on. I realize it is using labour. On the other hand, I am satisfied it is my duty to see

that that line is in a safe condition, and I intend to do my duty in that respect.

Sir, I would like to point out that if in fact through neglect or delay a serious accident had happened on that line and lives were lost, I cannot imagine what would be the opinion in this Council if I got up and said I had disregarded the opinion of my chief engineer because I preferred to take the opinion of a man who had 64 years experience in this and no other country in front of the opinion of my chief engineer and in front of my own judgment based on nearly 40 years service. I hope I have made a free, full and frank explanation of the case, and I would plead that I should be supported in matters of this description. It is intolerable that a General Manager should be subjected to criticism by inexperienced, ill-informed people who have a personal grudge.

Mr. COOKS: Before the hon. member sits down, would he tell us that if the matter was of such urgency in 1937 why it was not proceeded with at once? And number 2, if this engineer was inefficient as it alleged why was he not allowed to retire from the railway?

Mr. ROBINS: I think I answered both points. It was started in 1937 but deferred during the war—(Mr. COOKS: Two years after)—because in war time we are entitled to take a risk, and I think the chief engineer was entitled to ask for the risk to be taken and the General Manager to take it. You cannot wage a war without risk, but it should not be carried on any longer than can be helped. Regarding whether the man should be dismissed for incompetency, I did not say he was incompetent but that he lacked experience, and in time one hoped he would gain experience. But the point is that we have been told time and time again by the Secretary of State that we must retain these people for the period of the war because they could not be replaced, and a man who is worth only 50 per cent is better than no man at all. If it had been peace time this man would have been allowed and encouraged to resign, if not actually dismissed. I hope hon. members will give me credit for being honest and open about this case. (Hear, hear.)

Now I will turn to the speech made by the hon. Member for Nairobi South,

[Mr. Robins] and I would like to say first that all of the many points he made do appeal to me, and I am speaking now in all sincerity. First of all, I would like to accede to his request in regard to the Railway Advisory Council minutes and Harbour Advisory Board minutes, with one proviso. I would suggest that they should be sent to the members of the Standing Finance Committee. I do not want to go into a lot of detail, but I am sure hon. members on the other side will realize that, in so far as railway rates are concerned, we are in a similar difficult position sometimes as the Commissioner of Customs, and one must keep certain decisions of this sort to a limited number of people. If it would meet his request, I will give these minutes to members of the Standing Finance Committee of this Legislature. I believe it really does meet a very good, and I believe it would be a very good thing, and I am absolutely convinced that the Harbour Advisory Board and the Railway Advisory Council would agree.

Mr. VINCENT: I should like to say that I did not mean any very confidential information, it was general, and I accept the offer made.

Mr. ROBINS: Just one other point I might make while I am talking about the Standing Finance Committee. I would myself be perfectly willing to come at any time before the committee and give personal explanations on provided matters under consideration, of one thing: it would be understood of course, that I had no power to alter anything that the Harbour Advisory Board and Railway Advisory Council had approved. I would be willing to give any explanation, and I will at once without any delay, repeat the request that an early copy of the draft estimates should be submitted to members of the Standing Finance Committee; I will direct that to be done in connexion with next year's estimates. I would just mention one thing. It must be remembered that the Chairman of the Railway Standing Finance Committee is also a member of the Standing Finance Committee, and he really should be in a position to explain any questions of policy which might arise. In connexion with the decided members and members of my staff, I have made it clear on several occasions—and I know

my staff realizes it—that the Railway Administration is in a different position from Government. It is a corporation which can be sued and all that sort of business, and I have made it clear that I do not regard membership of the Railway Administration as depriving a man of his citizenship rights, and I have never allowed the impression to exist in any man's mind that I am upset if he talks over a matter with a member of Legislative Council. All I ask is that when a matter, such as the unpleasant one we have just disposed of, is discussed, I might be given an opportunity to offer an explanation as a member of Legislative Council to a member of Legislative Council, and then if there is dissatisfaction by all means he can use all the forces at his disposal.

On the question of renewals I am not happy, I am not at all happy. The method normally adopted in regard to renewals is to calculate the life of that asset and put away a proportion of that life each year, the financial value of that when the asset is worn out, that have the money to buy a new asset. That has never been done in Kenya. When the renewals fund started and it was decided that that would probably be a heavy charge on the present generation of railway users, especially as they were paying heavy interest rates and contributions to sinking fund, it was therefore decided that the renewals fund should be built up by paying an amount equivalent to 24 per cent replacement costs, and that in effect was roughly about £30,000 a year less has been put aside. It probably would have been near enough for us to carry on with in point of time, but when we devised the renewals fund we had no idea that equipment would be so extensively used to the extent it is to-day. Therefore, I am not happy about it. Furthermore, we had calculation of replacement costs and no idea there was going to be a war and that costs would go up, and although I hope they will come down after the war it still looks as if they will be pretty high. Therefore I am not happy about the position, much so that I have already issued instructions that in this year 1945 the technical committee which is responsible for advising me on the renewals fund—they sit roughly about once every five years to review the

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position—I have directed that they shall be called together this year and give me a comprehensive report on the position of the fund in relation to the very heavy user going on at the present moment and in relation to replacement costs and in relation to the lives. That, of course, would have an effect on what is usually called our reserves if it does come about that we have got to spend a good deal of money, money that we shall have to take from the reserves.

As to the position in regard to the supplies of equipment, there again I am very unhappy about it. I have no complaint to make that the military authorities have not supported me in my demand for supplies. They have, they have given me as much support as is possible through the East Africa Command, but that support has not been sufficient to convince the authorities in London that we have a prior claim, or a military claim, sufficiently high enough to obtain the material. I have, however, made representations quite recently, in which I hope as the result the matter may be more fully discussed between yourself, sir, as High Commissioner, the General Officer Commanding and, I hope, myself, when I hope to be able to demonstrate that we must have something more if we are to continue at the present pressure. The same position arises in regard to the low rates. Again I am not happy about those low rates. The military rate is 8 cents per ton mile—it is not the only rate, because if there happens to be a public rate which is less they have the advantage of that as well. That rate of 8 cents was calculated on costs. It does not need me to tell a business man on the other side of Council what the position is about costs today. If one takes only coal alone, it is about five times what we paid for it before the war—it costs us £100,000 this year with war bonus and so on. I am satisfied that 8 cents a ton mile is if anything below cost rather than above. My attitude up to the moment has been that I do not think I ought to disturb this, we are in the sixth year of the war. I hope to goodness that it is not going on for another six years. We have all got into a very simplified method of working, and I have not felt unduly alarmed while I had things like the war contingency fund behind me, but there con-

a number of people who feel as a matter of fact that we are making too great a contribution, that in effect we are asking the East African users to subsidize the army and, what distresses me more than anything, is that I have heard hints that the local authorities are not altogether satisfied about this rate. I am hoping that that is not true, and I hope to convince them that they have been extremely generously dealt with, not by me but by the East African users of the Administration's services. (Hear, hear).

This brings me to one other point in connection with the speech of the hon. Member for Nairobi South; and that is the possibility of some collapse of our equipment. That is an ever-present possibility. It is a risk we are running, and if such a thing did happen and if in fact we did not have some reserve to fall back on, we might find ourselves in a serious position, and I might have quite another story to tell hon. members of this Council.

Turning to the speech of the hon. member Mr. Paroo, he has brought up the question of Asian representation on the Railway Advisory Council. I should like to make it quite clear that I do not appoint members of that Council, that is a matter for the Governments of Kenya and Uganda. I can only reiterate what I have always said, and that is that a most important council like the Railway Advisory Council should not consist of advocates of any particular form of type of business and so on but men chosen by the boards of directors are for their wide experience either in administration or execution and so on, so that you, sir, as High Commissioner, can have the widest and fullest advice. The hon. member suggested that I came here with estimates presenting exactly what I wanted and was determined to get away with it. Well, the estimates are not exactly what I wanted, there are a number of things which I could suggest might be in them. Terms and conditions of service: I am sure hon. members will realize that it is extremely difficult for me with a staff of 25,000 to deal with to remember all the details about individual cases or details in regard to all the multifarious terms of service, but I can give a complete assurance that any direction given by the Director of Man Power—and it was suggested Mr. Mafragin did this—I can give an assurance that any

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direction given by him is being carried out, and if the hon. member wishes any further information on that point I would respectfully suggest that he put in the form of a question or come and see me.

I have not the details here, but there is an important point which he raised, that of automatic promotion. That is completely foreign to railway administration. It is foreign to railway administration in South Africa and the United Kingdom. The fact is that we are not a benevolent institution at all, and the Railway Council firmly sets its face against automatic promotions, and I believe in fact they are right. The European staff realizes this, because they have been on railways where these things do not happen, but we have the greatest difficulty to get the Asian staff to believe that they cannot go on having their salaries increased annually until 30 years later they leave. The fact is that it will not be done, and it would be quite wrong of me to hold out any hope that it can be done, or that I can convince the Railway Council it should be done. On the question of leave I think there is some case for consideration. Asians up to now have had 14 days leave and are allowed to have a certain number of religious holidays. Incidentally, they also get the public holidays which are mainly religious holidays for the European community. Owing to the difficulties of this war it has often happened that these men have not had the religious holidays. At the moment my mind is turning on the possibility of giving the Asian staff 18 days, and they will have the European public holidays which the European staff enjoy, and removing the right to have the Asian religious holidays. I am not sure that is altogether what the Asian staff want, but the great difficulty is this and that I should like to ask hon. members to bear in mind that we are working under tremendous pressure, and this is the wrong time to talk about leave and privileges, because if we had to give additional leave to a large number of the Asian staff we would find great difficulty in moving the traffic. None the less, I have a great deal of sympathy with the proposal and will examine it with sympathy, in the same way that I will examine the question of detention allowance. I do not know anything about

the matter at present, and I do not quite know what is paid and what is not, but I will look into it and give it sympathetic consideration.

Regarding Asian artisans, I think the hon. member has overlooked the very important step we took two years ago when we admitted 600 Asian artisans to the permanent staff, and only kept on temporary terms that floating proportion which must vary when our traffic goes up or down. I feel that we dealt with it in a generous manner. Regarding the widows and orphans proposal, I have put forward certain recommendations, but it is very much tied up with the recommendations put forward by the Kenya Government. There has been a considerable amount of correspondence mainly by the Kenya Government and with the Secretary of State on this question, but there has been no hesitation so far as my recommendations are concerned. Whether they are accepted I cannot say; I think the matter has to be decided not even by you, sir, but by the Secretary of State, but it is not the delay in making any recommendations that has held the matter up. In regard to separate coaches for women, this question was also raised by the hon. member Mr. Beecher. I have a great sympathy for this request, but I must ask hon. members to go back to what I said in my opening speech. The fact is that the number of passengers far exceeds capacity, and it cannot afford to waste a seat or inch of space, and we could only relieve the request by wasting accommodation. If either hon. member thinks he has a solution of this problem, as to whether it can be done, I extend a sincere and cordial invitation to come and discuss it with me concerning the solution. I am quite willing to go into the question, but I feel on the evidence before me at the present moment that it is a request which cannot be met. It is regretted, but it is because of the war; and they must blame Hitler, not me.

Turning to the speech of the hon. member Mr. Beecher, I very much appreciate of African welfare, I very much appreciate what he has said as to what I have not done, and I do not think I have myself, I endeavoured by my policy that I am confident, proved to be a sincere friend to the African (Hear, hear). I perhaps do not make quite so much of it as some people do, but it is

(Mr. Robins) a fact that I am most interested in his welfare and I do take a little credit to myself that, since I came back to Kenya when I had to face the unfortunate circumstances which arose almost immediately I got here, I do not think anybody can accuse me since then of not making a really genuine effort to do something in the way of proper welfare for the African, and I believe the African himself does realize that I have done that. I agree with the hon. member that the water supplies are unsatisfactory, I also agree with him that I do not much like this communal business. But I would draw attention to two points. One is in regard to the communal business. The Railway Administration like everybody else has got to profit by mistakes. We wanted to get a decent home for the African, and we have succeeded. We may be able to do more, but we must not run away with too fanciful schemes which we cannot afford. It would be a horrible thing to lead a man to think that we can maintain a high-altitude scheme, and then have to chuck him out when times were bad, but in our new plans—and the hon. member asked for an assurance on this—we are considering this point. The present arrangements about water are most unsatisfactory, I agree, and I also agree that those who see Nairobi station must know it is unsatisfactory, but it is not my fault. I cannot get the water, and as I mentioned in my speech the water position is a most serious one. It will be put right as soon as we possibly can do it.

In regard to gangs outside Nairobi, I am sure the hon. member realizes it is an awfully difficult problem. These gangs are situated right in the bush, several miles out, and what we can do in regard to their welfare amenities beyond good housing I am at a loss to know, but I do issue certain facilities regarding them getting parcels and so on from the nearest town. For the moment we shall have to leave it at that, and if the hon. member has any ideas I can assure him that I am perfectly willing to give consideration to them. Then he mentioned this question of passenger traffic which I and the Superintendent of the Line have discussed at Nairobi. The fact is that under present conditions

we have got to put up with it until we get more stock, because there is no other solution. If the solution is to decide whether a journey is necessary or not, it is not right to put the responsibility on the General Manager. I do not know whether the journey is essential for the war effort or not but it is not fair to put the responsibility on me. From the Administration point of view, I have discussed it with the Chief Native Commissioner, and mentioned it on one or two occasions to the Acting Chief Secretary, and we have decided that as in other countries it is an insuperable problem to introduce any control over the tickets issued. Regarding the question of the army, there again I am not always satisfied—and remember, I am not responsible for running the War. I must listen when these Generals tell me this and that is essential for winning the war, and it is not my place to say I do not agree—I am not a Montgomery yet. (Laughter.)

I am sorry that the hon. Member for the Coast should think that I resent criticism. I am not going to repeat the old time-honoured cliché that I like it, because I do not, and people on the other side do not like criticism, but I do realize that they are entitled to courtesy, and we on this side of Council must at least listen. (Laughter.) And I hope people on the other side will listen to me because I think that quite a lot could be said in criticism of the activities and business methods of members on the other side, but I do not get the opportunity. (Laughter.) I am sorry he thinks I am autocratic, and I think he is under a great mistake. My nature is not autocratic and, generally speaking, I am known for saying what I mean, and I think he has mistaken that for autocracy. He asked you, sir, the other day that officers should be appointed who have power to give a decision, whether a right or wrong decision. I hope he is not criticising me because I have power to decide and try to decide and make it definite what my mind is. (Hear, hear.)

Regarding the shortage of fuel and water, I do not quite share his view that the Administration must on an indefinite using wood fuel. In fact, the quicker we can get away from it the better, for many reasons other than the inefficiency of it as fuel. We should get

(Mr. Robins) from it because of the evil of the grass fire business which is bound to occur when we burn wood fuel. Hitherto the Fore Department has not been anxious for the Administration to have its own plantations; (laughter) they prefer to do it themselves. Sir Christian Felling expressed the view many years ago which I am in sympathy with, that the sooner we got away from wood fuel the better, and my intention and my policy is as soon after the war as possible to diminish the use of wood until it ceases, and I suggest to hon. members on the other side that we shall have to pay considerable attention to the question of getting fuel supplies after the war and the policy of doing away with wood. In regard to water, I will direct the chief engineer's attention to it. We would not refuse to build dams if in fact a dam will solve the question, and I am quite prepared to have that matter gone into.

Now, sir, the hon. member mentioned a personal case. I am not going to deal with that personal case of a friend of his. There are many facts, however, which I do not think are available to the hon. member, and I am not going here to express an opinion on the merits or demerits of the case, except to say that I am sorry that this old gentleman—who incidentally is a rather fiery old gentleman—should have suffered a certain amount of inconvenience. (Laughter.) If in fact the hon. member is not really satisfied with my assurance on this matter, I am perfectly willing to allow him access to the whole story. (Mr. COOKE: I have seen all the correspondence.) I doubt whether the hon. member has seen the correspondence conducted by the officials of the Railway—perhaps he may. (Mr. COOKE: Yes.) (Laughter.)

I am very sorry to keep Council, but there are only two more points which were raised by the hon. Member for the Coast. He said that the services were not unduly comfortable, and I have dealt with that and the position I am in, and in regard to his elderly friends and other people I am not and cannot be a judge as to the essentiality of journeys. It is impossible for me to know whether his journey was absolutely necessary or essential. I have never expressed an

opinion on that, but I have some doubts. Finally, he asked me if I am thinking of improving the coaches and also if I am thinking about the question of road services. Most decidedly I am thinking about the improvement of the coaches. I have mentioned that in my opening speech and also in my report. It is one of the reasons that we have that much criticized betterment fund, because it means that we can give these additional amenities as soon as there is any prospect of getting any rolling stock. I intend to improve the standard of the rolling stock, first, second and third class and incorporate in them all the modern improvements. Then again, the most important matter is to know how we can co-operate with other forms of transport: in the same way regarding road services, whenever I can see a suitable opportunity for suggesting the operation of them I shall be only too happy to do so. I would ask him again to cast his mind back to the country I formerly served and draw the lesson whether in fact I am likely to introduce road services or not. My answer is—there is history written on the pages of Tanganyika, and I cannot see any reason why I should not repeat it in Kenya.

I hope I have satisfied hon. members and given adequate answers to their questions, and I hope they will feel that they can support the motion which is before Council.

HIS EXCELLENCY: Before putting the question I hope I may say that the debate which has taken place here this morning surely shows that it is not a mere empty formality. Another thing is that the General Manager has represented to me in his usual decisive manner the serious position regarding the supply of equipment for the railway, and as soon as I have taken the matter up, and as soon as certain local preliminary steps have been concluded I think it will be necessary for him to go home himself and see what he can do in London, because that is the only thing to do—get in an aircraft and go home to the source of supply and make his own case there.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 9th January, 1945.

Tuesday, 9th January, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 9th January, 1945. His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of 8th January, 1945, were confirmed.

PAPER LAID

The following paper was laid on the table:—

By MR. TROUGHTON:

Report on the education, vocational training and employment of ex-service men and women.

RELATIONSHIP BETWEEN CIVIL SERVANTS AND ELECTED MEMBERS

HIS EXCELLENCY: Before we come to the motion on the order paper, there is one matter that stood over from the proceedings on the railway estimates yesterday, and that was perhaps not strictly relevant, the matter of the relationship between civil servants and elected members of this Council. The hon. General Manager, on behalf of the Railway Administration servants, answered it by saying that he had no wish or intention to deprive any man of his rights as a citizen. That, in very broad terms, is the position as regards the servants of Government. (Hear, hear.) It is none of my business or that of the heads of Government departments serving under me what transpires between an elector and a Member of this Council, nor what transpires between this Council-containing electors and members of this Council. There are, of course, in the Civil Service as in many other professions and occupations certain rules of confidence in respect of documents and information, and those rules of confidence apply to the profession of civil servants as much as they do to a lawyer or a doctor or any one else. But with that general reservation, which is perfectly understood by everybody, I think, there is no other restriction upon members of the electorate who wish to consult their Legislative Council members. (Applause.)

CRIME POSITION IN KENYA

Mrs. WATKINS: Your Excellency, I beg to move: That, in view of the increase of crime in this Colony, this Council requests Government to take such action as may be considered necessary to meet the serious situation which is being created thereby, either by increasing the efficiency of the administration of justice, strengthening the Police Force, the introduction of legislation designed to meet the position, or by taking any steps which it is considered may result in providing a solution of the problem.

In placing before Your Excellency and this Council the picture of what is happening to-day in the way of crime out here, I have obtained some figures from my own constituency, and there are a good number of instances that I would like to refer to both from that constituency and from all over the country, because the position is extremely grave at the moment. I am quite certain that my colleagues on this side of Council will be able to amplify these instances, and can do so *ad infinitum* if the time of the Council allowed or, indeed, it was desirable. It is also a matter of public knowledge that crimes of violence, burglary, robbery, are not only becoming more general but becoming more skilled, more systematic, more organized. We have incipient gangsterism among us to-day, and I think the word "incipient" is fast fading from the picture; we are now beginning to have the real thing. There is one answer that I find entirely unsatisfactory and which I am continually given, and that answer is: "It is the war". Of course, there is no question but that crime has increased during the war period, and the difficulties of tracing that crime have also increased a hundredfold, but it is only a matter of time, and a very dangerous half truth, because it is proffered as an excuse for doing nothing until the war is over when naturally the full blast of the danger is upon us. One of the great defects of our race—a defect that is solidified in the governments of the British Empire—is that we are always caught unprepared in matters of public security. We win through in the end, but at a terrible price, and the price is very rarely paid by those directly responsible for the delay that has occurred before the necessary preparations. It is for this reason that I want to bring before this Council to-day this motion. I want to

[Mrs. Watkins] face the stark facts; I want to tear complacency aside, and I want to try and show the Council that there is now no one single answer, nor panacea, for the evil, but that there has got to be co-ordinated efforts between the judiciary, administration, police—in fact all of us—to try and deal with the thing here and now.

We in this Colony, and most especially we in this Council, are standing before a new, untried, and partly unforeseeable situation. When our warriors return, thousands of them, trained in the most modern methods of warfare, they will expect to find law and order; and a peaceful home land. How dangerous it would be for them, for the whole Colony, and for us if they find that law and order shaken to the roots by crimes largely undetected and unpunished, whatever the reason may be. Well might they think that a quick and easy way to prosperity would be to join a gang or, indeed, to form a new one. Our population is much swollen at present by war-time activities out here, but when peace comes it will decrease, and with it will decrease enormously the available loot, so that, unless we decrease the present gangs of criminals before then there will be a larger proportion of criminals to the population than now. We have not only got to decrease the numbers of the gangs but to see that new gangs do not form. The main principle, I think, is to ensure that these men returning have got something worth while to return to, and whether through primary industries, or improved secondary industries, or by agriculture, or by public works, or all of these, we have got to ensure that each individual can obtain a job, can earn his home, and can have a reasonable amount of recreation, because an unsatisfied individual, especially at the end of a long war, is a breeding of those very essential things to-day. We ought to work and plan for them now, I think we are at least planning for them, but that is just an indication that I recognize it as the main line of our broad policy.

To-day I am dealing with the incidence of crime, the tracking of criminals after crime, and also very much of the status of that may accrue if we follow a policy of *laissez faire*. At the moment I am not so much concerned with what one might call the "artistic" crimes like forgery,

fraudulent bankruptcy, and so forth, I am dealing with crimes of violence, robbery, arson, burglary, and those. If I may join on to these one for which I have coined the term robbery or stealing by attrition. That means a small amount of stuff goes daily from traders, farms, and so on, and the danger lies here in that it denotes a very well organized system of receivers who have got their special gangs working along separate lines. These are the crimes that are disturbing the minds and the peace and the peace of the citizens here to-day. The dangerous and explosive part of the problem is that it so easily may turn our friendly inter-racial relations into racial antagonism or, indeed, racial warfare, and here I would submit at once that the immigrant races are in no way unaccounted for with the creation of a crime wave in this country. It is a platitude would be no, or very few, burglars and very few really skilled robbers, for the very simple reason, of course, that it would not pay. Of course, it is well known that in every town in this country and parts of the countryside there are well-established receivers. Nothing is more despicable than that; the immigrant races who come to this country, whether European, Asian, or any other, should be sifting more or less severely in their offices while they employ the law-abiding of the country and employ the law-abiding of the country to take the risk native of the country to which they, and do the stealing by which they, and they alone, or very largely alone, profit. I cannot imagine anything worse, and I shall have various suggestions to make for dealing with this genrey.

It would here, I think, perhaps be appropriate to give some figures which I have just obtained, because I refer to my own constituency. Before doing so I want to pay a tribute to that constituency, policemen-allocation to that constituency. Those young policemen bear the heat and burden of the day, followed too often by long, chilly, strenuous night hours, and they do it extraordinarily well in spite of their terms of service. I say deliberately in spite of their terms of service. They have done a trojan job of work for us, and I should like to acknowledge it in this Council. (Hear, hear.) I should also like, before going into figures, to acknowledge the work done by my own contemporaries in the special police, men who do a hard day's work on farms and

[Mrs. Watkins] turn out whenever they are required, and do night patrols, men of between 50 and 60 years. It is not an easy job, and such peace as it is in the countryside is very largely due to our regular police force and those middle-aged gentlemen who are helping us enormously as well as running farms single-handed while their sons and managers are away at the front. The figures of serious cases of crime show an increase in every district in our constituency. The Limuru-Tigoni ones are, I think, the worst. Crime in 1943, taking only the serious cases, were 126, and this year 166, and burglaries increased to over 50 I am told. To assess that properly, one has to know Limuru as well as I do, because there are, I suppose, about 100 houses in Limuru, so that we must all admit that the burglars have done a very thorough job of work in that district. The methods employed are interesting. They are using glass-cutters to get in at the windows, gloves to prevent finger prints, and they are specializing in a special line of attack.

Diverging for a moment to show the procedure of one of these burglars, to begin with the man is usually strapped and oiled all over. He comes in at the window, and the first thing he does is to open from the inside all the outer doors so that he can make his escape easily. If there is no electric light, which there rarely is, he removes the hurricane lamp from the bedroom or hall where it is usually kept, and unless you have your torch in bed with you he removes that from the bedside. Of course, some people have no torch, according to the state of the batteries in Nairobi. The first thing you know, if aroused, is that you are watching a spotlight play over your most treasured possessions, your clothing, and so on, and you are in a howling gale with the doors of the house open. You know that there is a naked and greased man in the room and you know he may be armed, which will make it foolhardy to tackle him. It is a situation that calls for a good deal of active consideration, and I have preferred personally to take that active consideration with my head under the blanket, but one has to realize, I think, what an icy shock it is to a woman to rouse and find what is happening in her room. The burglar is after her possessions. In nearly every case he does not rape or murder her, but for long minutes

in that lonely night these younger women—whose husbands are in Burma fighting our battles and all over the world—where they are on these farms alone, have an awful moment when rape or murder or both are imminently before their eyes, if not in their imagination. I do submit that that in itself is violence. The man may get run for stealing two pairs of pyjamas and a watch, and he gets a small sentence, but what he has done to that woman, the shock, is terrible, and I think if any man makes a burglarious entrance into a woman's bedroom when she is alone at night, that in itself ought to constitute an act of violence punishable by the laws for violence. (Hear, hear.) There was another incident up there which a householder described as gross impudence. He woke up to find a spotlight playing over his wardrobe, and got out to chase the burglar with his revolver, and fired and missed. The burglar, having taken a revolver from the side of the bed where the wife had one, fired back, and the householder said he had never heard of such impudence. I think he is probably right! There was another case at a club in the constituency, where four men arrived in a car and beat up the steward, and went off, I believe with the contents of the bar if not the till, but so far I have not heard how much they took.

I have told this Council again and again that at the bottom of all this stealing, behind it, in it, the cause of it, at the core of it, are the receivers. It is they we must tackle, and although I am keeping my suggestions to the end I would like here say we must tackle our receivers. (Hear, hear.) For instance, there is increasing strain on our resources and the resources of the country, with nothing safe, our tyres and tubes, our coffee, everything going either in a sudden bulk or by slow attrition, and scarcely any of it would go if it were not for these immigrant receivers, and some, I am afraid, of all races, not only immigrants but all races. These are the gentry, these are the people, far more than the men who actually do the work, who should be punished. In the towns, to deal with them for a moment, we have got the other situation of stealing by slow attrition. One chemist tells me that he loses £50 a month; another told me that he has to keep all his valuable life-saving drugs in the vaults of the Standard Bank; and

{Mrs. Watkins} even the other day I came across a particular ramp concerning spectacles. For the umpteenth time I lost mine and for the umpteenth time I went to get another pair, and was told that over 100 pairs of spectacle frames were brought back to one well-known spectacle-firm in this town, most of which they recognized as their own importation, by someone who had said they had "over-bought". It could not be proved they were bought by that firm because there was another importer of them in Mombasa. But there you have the position when some receiver had told the household servants that spectacles were worth Sh. 10 and Sh. 15 apiece. That is a class of organized pilfering which is irritating. It is not so serious as other things, but it does denote what we are up against in the towns here, the seriousness of the position. To show how systematic the stealing is, one particular gang in our district is going after men's clothing, so that if a reverend and hon. member, who is also a constituent of mine, suddenly comes in a cassock and puttees, you must not assume that he has become a bishop overnight, but that the gang has been round to his house; or if our legal luminary arrives in a barrister's gown done up with large safety-pins borrowed from his nursery you will know that his ultimate suit has followed at night at the one end of a long pole. (Laughter.) These things are irritating, and it shows the way in which these gangs are completely systematized.

I think also the public are a little disturbed about the judicial side. I know this is a delicate matter, but there have been articles in the Press and I suppose I can quote the Press, that the other day there had been a large drug robbery, of valuable drugs in short supply, and that was not contradicted. The next thing we heard was that the police, after endless hard work, had discovered these drugs in the ceiling of a certain house, and some were also found in the luggage of the wife of the householder proceeding to Mombasa. The third thing in the Press was that the householder and the wife and their companions had all got off scot free. We hear of another case, also in the Press, in which a certain receiver of stolen fruit and produce, by which some of my constituents live and which has been stolen, stolen, and stolen, had been

caught and he was fined £10. He did not lose his trading licence, there was no sentence of imprisonment, no particular disgrace attached to him, and of course no honest trader can compete with the profits made by these men. We ordinary folk who go about our ordinary business do not know—and we admit it, freely, much about the technicalities of the law—but we have a deep sense of justice and injustice. It is our birthright, part of our heritage, and we feel that the law is so wound up in its own ramifications that it is getting justice into its stranglehold so that justice is very often effective. No one is more surprised very longer than the criminal in the dock—I have watched their faces when my husband was a magistrate—when suddenly, after he has made a statement to the police, too, he is allowed to walk out of the dock the proud possessor of all the stolen property, which is now recognized as his. He has no knowledge of the story of the Mad Hatter, and he is completely at a loss to compare it to, and he is completely at a loss! That is the position we have got ourselves into to-day. The whole of the public recognizes it, but we do not know how we can tackle it. We do not consider it is within our department to tackle it, but we do want to bring to you, sir, in what we do want to bring to you, sir, in a reasonable fashion, and I think in the entire constituency the feeling is, very rarely do I have any one of my constituency down to the whole of a man and woman behind me, very rarely does it occur to any hon. member, it has occurred to me, over this matter, I believe I have got the whole of my colleagues behind me too, and I know I have the whole constituency, for it is a serious position.

Now I want to go on to the suggestions and for the better notes of the hon. and learned Attorney General, who I think may be interested, I have numbered them. These suggestions I know are good. They do not come from me, they come from all over the country, from men now in the Service who have been dealing with crime in England at war, and in England at peace, men from the northern circuit, at peace, men from London practices fresh from men from London as well as local men on whom I home, and continually rely for help, and it is always so readily forthcoming, from professional men who give their time to help a woman in these matters. The first suggestion deals with

[Mrs. Watkins]

personnel. Increase, of course, but not only increase, and here I readily admit that I know that some increases are now impossible, but I do submit that it is essential to know in which lines the increase would be most effective, in which line we shall seek for our increase, and because of that I am going to mention the increases we need, stressing particularly those that we think are essential for the safety of the whole country at the present moment. In a great many instances it is not increased personnel entirely, it is in the training required, and that will come up too. The first suggestion is, therefore, an increase of the police and better terms of service. I am not going to speak to that, I should only bore Council, for it has been thrashed out before. It is now under, I hope, more active consideration, and I leave it at that, but I think if we could only give some assurance about the terms of service the sooner we should not be losing the young men, fine young men, we have at present in the police who are naturally looking out for a better career at the moment, and we should be attracting trained men from the Services if we could establish our proposed terms in the near future. I think it is a very important point, because all young men are naturally thinking about the future, and we have got to consider them if we want them to come in and make a career in our police force.

Suggestion No. 2. I want better opportunities for our C.I.D. to have overseas training or perhaps even American training. At present they have experience of police work out here but not the skilled, intensive training they should have before undertaking C.I.D. work in a mixed place like this. We ought to send all our likely young men home at the end of the war. For this training, and we ought to get one or two senior men out to help and to amplify the work that is done, the very hard work, by the C.I.D. at present. I do not think it fair to put a man into a professional job without the fullest professional training. Suggestion No. 3, trained prosecutors. That I am informed from all sides is essential in our bigger towns. The police work is to bring criminals in, it is not police work—especially for young policemen who are out day and night—to spend long hours trying to look up a lot of law and trying

to run those criminals. We must have more trained prosecutors, and I think that if we had them we might not want so many additional police. If instead of asking for all additional police we asked for five or six fewer and five or six trained prosecutors, it would be better for the country. That is the third suggestion. The fourth I am sure will be welcomed by the hon. and learned Attorney General, and is that we should have extra Crown counsel to help with the enormous pile of drafting which this extra legislation occasionally means and also for what I call senior prosecutions. I do not think it is fair to the country not to have the Attorney General's office strengthened, because most of us feel that we cannot bring up this or that. We see an overburdened "man" carrying this colossal load gallantly, and it is not reasonable or right, and I should like to say that we are holding back on the things we want out of consideration for the man who has gained our respect.

The fifth suggestion is, that we want more resident magistrates with actual experience of the bar at home. I know, because it happened in our own family, of men taken from the Civil Service where they were doing excellent work in the districts and plunged into a magistrature, and later a judicial job, with no experience of the English bar, and I am sure that that experience is essential. I do not only mean being a barrister, but experience dealing with the cases in our courts is essential. I have had to wait for nine months for a case to be taken that involved native evidence. I need not enlarge on that—how impossible it is to administer justice under those circumstances. The man who can best prompt his witnesses is going to win the case, that is what it comes to, and no British Government wants that. We want a quicker taking of cases. It means more courts, and also a revision of the present staff dealing with the arrangement of the cases. I think that perhaps better terms of service and rather more trained men there might help to stop the delay. I am informed also that the appointment of a police surgeon in the bigger towns as soon as it is possible would be a very great help in the witnessing of certain things, and would also help the police to deal with more acceleration of their work. One extra suggestion has come in

[Mrs. Watkins]

that bears no number; it came in as I sat down here this morning. It is that the police should have more powers in the reserves, the police force, that we should not depend on our tribal police who are brothers and brothers-in-law of the men they are after, and that would probably be very much better. It was asked for by the late Commissioner of Police, and I do not know whether it has been implemented yet.

The next few suggestions concern legislation at the Attorney General's office in the matter of security of public stores. There is a law in England dated 1875, the Public Stores Act, which, according to a letter from Navy and Army men, is not in force in this country. We have no comparative law at the present moment. It is a law I had better, I think, read the relevant paragraphs as I could not memorize it: "If any person is brought before a court of summary jurisdiction charged with having in his possession any stores reasonably suspected of having been unlawfully obtained, and does not give an account to the satisfaction of the court of how he came by the same, he shall be deemed to be guilty of a misdemeanour, and if he obfuscates any mark he shall be guilty of a felony." There is apparently no provision in the Kenya laws for that, but under section 317 of the Penal Code, the K.O.R. & H. and Government—oh, hope I have put them in the paper order! People want that section 317 of the Code to be extended to give full protection to His Majesty's stores of whatever category—air, navy, or other forces of Government or anything else, and I understand that the Senior Service considers that it is particularly urgent. Suggestion No. 11 is that the Stock and Produce Theft (Levy of Fines) Ordinance, 1935, ought to be extended to enable any one other than the actual owner of the stolen produce to arrest the thief and to enable the arrest of the thief not necessarily in the immediate vicinity. That has 9 stroke 2 after it.

Suggestion No. 12 is the revision of our prison system, and the overhaul of our prison buildings. I do not propose to deal with the revision of the prison system at any length. It is one of the big questions that will have to come before us at the end of the war, but certain

things can be altered right now. We have got a really good first-class reformatory school at Dagoreti. I am given to understand that it is full of old lads at the present moment. The Kabeto one is, I understand, a place full of refugees who use it as a pleasant home, and whose behaviour in the countryside has not given rise to very much satisfaction. That school should be used for our juveniles who are put in for some small or first offence and whom we do not wish to mix with old lads. And when I say that we want the prison buildings completely overhauled, I should like to state here that Council I should like to state here, I am told on high authority that eleven of our oldest lads have escaped from prison in the last month, with all the bother of re-taking them with all the police, and all doing mischief meanwhile, and I will say once again that it will save Government money and time if they took that particular item up at once. We should still keep the revision of the whole of our prison system before of sending me that we should be thinking of young men some of our more likely young men get home from the prison service to get modern ideas of what is happening in other countries, so that they will come back full of energy and ideas and the will to do a really good job in this country. They have not the training at the moment, they are pushed into it, and new ideas percolate; they do not get their ideas established until after a lot of years' service.

One other item which I do not think will be welcomed but which we feel is absolutely necessary, and that is that the reformatory should be isolated. I have heard I am not suggesting an island in the lake where they could have a farm the lake where they could clear the tsetse colony where we could keep those men fly, and where we could to the public, a from being a menace to the public, an nuisance to the police, an expense to our Government, and an ever-present danger to the European women of this country. I believe that if you could do that, get their away from their crime and prison surroundings, where they have spent long years, such activities would give them a better life. I do not see why they should not have their wives and families, for in a way they cannot help it. It is like in many of these cases, and should be treated in some cases, and should be granted as such. We do not say "Let the poor devils at Mathari stay," and why

[Mr. Watkins]

should we let those recidivists out? They are of the same class and should be treated in the same way, humanely, kindly, and very firmly. In the case of receivers, I would like it to be mandatory that any man convicted of receiving in this Colony should not have the option of a fine, and I should further like an extra penalty, a very stern penalty, when they have been using juveniles or natives. (Hear, hear.) It is an iniquitous thing that we should allow immigrants into this country to train natives in these ways, and I consider the following penalties are not too severe: imprisonment for a considerable term, loss of trading licence, the dissolution of any company in which the receiver has happened to be a partner, and publicity in a form which I believe is within the law, a notice board in the middle of Sixth Avenue or in the Law Courts with their names in black and white. If you face the effect of that sort of publicity it will get you somewhere, and I believe it could be brought within the law. You are allowed to publish their names in the Press—what is to stop us giving further publicity? It would be more useful than a statue in the middle of our town if we were shown in black and white the names of offenders on a list, and how ashamed we would be if we had traded with them. I understand that if you push it to the uttermost extent, you could probably get some of these receivers on an extra charge of conspiracy with, I think, 14 years' penalty. I do not know if it is true, but I am informed it is by one lawyer, and another is doubtful. If the law could be amended to include conspiracy, we might be able to deal with them. If a white man is a receiver, and employs one of his own race to steal, or an Indian one of his own, the crime in my eyes and the eyes of the public and, I think, in Government eyes, is a lesser one than when an immigrant employs an immature race or a juvenile to do the work and take the risk. The final suggestion is that the police headquarters be asked to get out a manual peculiar to the task of the young policeman in out-districts where there is no court prosecutor. At present I understand that a policeman has to wade through 42 volumes to find the answer to a particular problem. That, I submit, is more than can be usefully asked of any young

policeman, and so I suggest a police manual. I have seen one for the Navy and Army recently, and I suggest that it would be an excellent thing to have.

I cannot stress too strongly in closing what the country is feeling about it. I should not have wasted the time that is given me by all these men who helped me unless I had known the position to be serious, and I think both sides of Council know how serious it is. The only question is, how can we help? I have put these 14 or 18 suggestions without any thought that they are the only or even the best ones, but just to be constructive, and I am perfectly certain that the hon. and learned Attorney General will be able to think of better ones for himself. But I sincerely hope they will include the very strongest penalties of legislation that can be thought of against the two particular forms of crime in this country that are making us so uneasy, the attacks on the safety of women, and receivers of stolen goods. (Applause.)

MR. NICOL: Your Excellency, I am very pleased that I am seconding this motion, because I have referred to this question of crime on many occasions, and I feel that this Council and the Colony generally owe a very great debt of gratitude to the hon. Member for Kiambu for bringing forward this motion to-day. (Hear, hear.) I should like to congratulate her on the extraordinarily able manner in which she has introduced this subject. Now, I am going to make no apology for taking up the time of the Council to-day, because the position is so serious that it is essential that we do now impress not only on Government but on the Services as well that the public are really seriously concerned by this increase in crime. I am not having a crack at the Army, but there seems to be in the thoughts or minds of officers in high quarters the impression that the African can do no wrong. Sir, the African is a human who has not reached a very high state of intellectual advancement, and he is liable to be quick by the wayside possibly more quickly than others. But on this question, we on the civil side and the Army, have got to get together. As far as military crime is concerned, I would suggest that one of the causes is in the siting of military camps. Surely it is a very dangerous thing to have these military

[Mr. Nicol]

sited on the edge of native reserves and on the edge of residential quarters? and, surrounding those camps to control those natives, is just light bamboo fencing. If you go along in the morning at most camps you will find plenty of holes through which the miscreants can get in and out.

This wave of crime, particularly with violence, is on the increase. I have here, and I do not know to whom I am indebted for it, a statement, and you have just to look at the figures to see that crime is on the increase. Take the Nairobi area alone. The total serious offences under the Penal Code for 1943 were 1,984, and the figure for 1944 is 2,322. As far as the Coast Province is concerned, which includes Mombasa presumably, the figures are 1,232 for 1943 and 1,859 for 1944. In the reserves, mark you, and not the provinces and districts, the total serious offences under the Penal Code for 1943 were 543 and in 1944 1,131, an increase of over 100 per cent. So I do not think we can say that crime is stationary. As far as the towns are concerned, it is not only Nairobi that suffers, Mombasa suffers as well, and the impudence and impertinence of the crimes are things which stagger us. They do not wait until a dark night, but they occur in broad daylight, and I will cite one instance alone which happened to me a number of my staff. This lady was out at half-past six in the morning taking her dog for a walk and while walking across the cricket field of the Sports Club in Mombasa she was attacked. Fortunately the dog, a very small dog, came bounding up and thought it was a game, and her assailant, who was an *askari*, thought it meant business and pushed off. But that girl was very, very badly shaken, very badly shaken. That is only one case of many without taking into consideration Mombasa and Nairobi, and if does not only apply to attacks on Europeans, it applies to attacks on members of all races. In Mombasa, I think the hon. member Mr. Farrow would tell us, the Indian ladies have been going in fear and trembling, particularly after dark, around the streets of Mombasa.

This increase in crime is a sign of indiscipline. It is indiscipline among the civil population and the Army and, further, it is not only confined to Kenya,

as far as the civil population is concerned, for I have direct evidence that it also applies to Tanganyika. Why is this indiscipline growing? It is because when a criminal is caught and brought to justice, sufficiently deterrent sentences are not passed on him. We have asked, I have asked in this Council—I did it a year ago, in the last budget debate—for sentences to be stepped up. I realize that you, sir, cannot dictate to the Chief Justice or to the magistrates, but even the High Court must bow to public opinion or the public will take the matter into their own hands. There seems to be a fear abroad in Tanganyika to be because the public at home may not care it well, sir, in this matter I do not like them to do live here—I do! Magistrates both here and in Tanganyika are afraid, literally afraid, to award corporal punishment for crimes of violence and indiscipline, because they are afraid of having their cases reviewed by the High Court and getting a black mark by the High Court, and I suggest that the same High Court is afraid of being licked off by somebody at home. The sort of thing that happens is that a native is told not to do it again, not to be a naughty boy—you might just as well give them something out of the poor box! We have got to insist that this matter is taken in hand and that severe sentences are imposed on these miscreants. It is said that the police force is inadequate. I agree that the police force is inadequate, but I would like to pay a very sincere and real tribute to the police force of the Colony to-day who, under extremely difficult conditions and very unstarved, are doing a magnificent job of work. But it is limited, it is not humanly possible for them to do more. At the same time I would also like to include in that appreciation our debt of gratitude to the special constables who have so ably come forward and are so ably assisting the regular police.

But, sir, it should not be necessary to correct indiscipline by augmentation of the police force. I am sorry to say it, but this indiscipline must be a reflection on the Administration, a reflection on what goes on and does not go on in district officers' courts and in the magistrates' courts. Also in the method of teaching and training and bringing up the natives in these various districts.

[Mr. Nicos]

I have always maintained that it is a very great tragedy that district officers to-day are not in the same fortunate position as their predecessors were when motor cars were not available. I am certain that out of our troubles to-day and one cause of this indiscipline is that the administrative officers have not got the opportunity of getting to know the Africans in their own districts. In the old days when you had to do your *safari* on foot, you walked into a village. It was very hot, and if you were in the coastal area a *madafui* was very nice. While having it, you had a chat and talk with the older bodies of the village and got to know them. To-day you rush through in a motor car in order to get 40 miles on your journey. I submit also that a large number of district and provincial officers are tied to their office tables writing letters, filling in forms and what not for the benefit of the Secretariat.

We know that the civil police are very understaffed—what about the military police?—are they not understaffed? I think they are. I think they are doing the best they possibly can, but they need assistance just as much as the civil police. The Army loses by theft from vehicles and often the vehicles themselves, and in this regard the hon. mover referred to the question of naval stores. The suggestion has been put forward in order that we may be able to send to prison people found in possession of Service stores. I think it is our duty to press that this legislation is enacted as soon as possible, after all, although we in this Colony may not be paying for these stores, yet we are in the nature of a watchdog on behalf of the members of the House of Commons to see that everything is done to protect the moneys for which they are responsible to the taxpayers at home. I am going to be fair. We must not blame the African alone. The example set by certain Europeans who have come to this country is most reprehensible. In this regard I shall leave my hon. friend the reverend member representing native interests to elaborate this if he thinks fit, but I should just like to say this in passing—do not forget that the African is a copyist. And again in passing, I shall see trouble from another quarter blowing up, and I should like a very strict and close watch kept on Italian prisoners of war. I have

evidence which I am prepared to turn over, it is visual evidence, that within 300 yards of a police post on the edge of a residential area of Nairobi, there are three illicit *tembo* shops and brothels used by African *askari* and Italian prisoners of war, and I think that is a very serious thing. A suggestion which has been put to me is that when an officer or a B.N.C.O. sees an African conducting himself in a way in which he should not, be he drunk or sober, they should have the power not only to arrest the man but should also stop any vehicle that may come along and order that vehicle to take them and their prisoner to the nearest police station. I think that perhaps that may be a help, providing the public will play, and I think the public have got to be the stage when they are prepared to play pretty well. Anything to keep down this wave of crime which is about to-day.

The hon. mover referred to receivers. Crime would not pay if there were not receivers, and crime to-day is paying a very handsome dividend, and we have got to get after these receivers. We had a case the result of which was most unsatisfactory in Mombasa. A subsidiary company of mine which performs a contract for the hon. General Manager, K.U.R. & H., at the port, was very concerned with the increased thefts from the transit sheds. It was obvious there was a receiver somewhere. The police worked hard on this, and they found that the actual receiver, the man they thought was the receiver, was a clerk of this particular company. So we said "Go at him." They found W.D. stores with W.D. and the broad arrow in this man's house. He was taken to court, and he got off. He got off on some technical point—my hon. and learned friend will correct me if I am wrong in this detail—I think the point was that the stores had not been actually issued to anybody. (Mr. FOSTER SUTTON: That is right.) They had not actually been issued to anybody—marvellous, is it not? (Laughter.) Those stores had come all the way from England for the Army here, and the Army had not taken delivery of them. This receiver fellow or one of his pals pinches them, but they have not been issued to any unit, therefore, they chap gets off, and I think he was allowed to keep the articles. It is a beautiful state of affairs!

[Mr. Nicol]

I must refer to the editorial in a Sunday paper. It seems to me an absolute scandal that it has been necessary for a paper to have to publish such an indictment on those who are in charge of the preservation of law and order in a civilized country, and I believe we are a civilized country because we are bringing in a third-party insurance bill very shortly! But I commend that article to you, sir, and particularly the letter which was printed in that paper to which the article referred. I should like to have this on record, so that I will give you the gist of the letter. About a mile and a half from Government House, in broad daylight, a man and his wife were sitting in their car overlooking a valley. They observed at the bottom of the valley a footpath along which a European girl was proceeding. An African was walking from the other direction, and when he got up to her he criminally assaulted her. Just like that, no trouble at all! That African did not know that it was going along there, but just took it into his head that he would assault her. Fortunately for her, the man was able to get out of the car and run down and to get out of the African made off. Of about, and he was not caught. But look at the effect on that young girl. It is an absolute scandal, it is worse than—I cannot find sufficiently strong words. It is not safe at the present moment for women to go out even in daylight for walks in certain areas around Nairobi or Mombasa, and it is certainly not safe for anyone to go out by themselves at night. The other evening a soldier who was convalescing in the Burnbrae Convalescent Home went for a walk, I think about half past eight, towards Dagoretti Corner, and that is a tar-macadam road, and he was assaulted by two *askaris*.

Now I am coming to this question of catering houses. The hon. mover dealt with this, and I do endorse all he has said in this regard. One is really alarmed as to what this situation is coming to, and I am particularly scared in regard to young girls. The effect on them may be appalling, catastrophic, and it has got down to the question when people will be forced to carry revolvers and have them in their houses for self-protection. Unless this thing is tackled, and tackled wholeheartedly by all parties concerned,

we shall be building up, we are building up, very very serious trouble for ourselves in the future. In closing, I must insist with all the force I can muster that this indiscipline which is abroad to-day has to be checked. The public are losing confidence in Government, as they feel that Government are not capable of enforcing order. Sir, finally, I would commend to the earnest consideration of Government the valuable suggestions put forward by the hon. mover.

Sir, I beg to second.

Mr. WINTER: Your Excellency, I am certain that this Council will recognize that it is quite unnecessary for me to state that we are wholeheartedly supporting the motion so ably moved by the hon. Member for Kiambu. The whole trouble has been, and is, that either the Bench are unable or unwilling to make the punishment fit the crime, and I believe this to be the beginning and the end of this whole discussion. I would add one word, and that is this: that we most seriously consider that a lot of criminals do not understand imprisonment, it means nothing to them, and I think we shall have to very seriously consider corporal punishment, of the right sort, in order to try and make them understand the gravity of their offences and the danger they are to the community. I am sorry to have to say it, but after many, many years in this country I believe that we have got to face this issue as they have had to in Europe time and again.

Mr. THAKORE: Your Excellency, I also rise to join in congratulating the hon. mover on the very able way in which she has brought this subject to the floor of the Council. The problem is one that affects the entire community, black, brown, and white, to the same extent. All of them suffer from the incidence of crime, and the motion has not been introduced any too soon. At the beginning of the war the members of my community had to have recourse to patrols to save themselves and their womenfolk from assaults, and it was only by that action that crime in the early stages was avoided to a certain extent. But of late it has grown again with greater boldness, and there have been cases of the snatching of necklaces from women's necks, boys being used to commit the theft of

(Mr. Thakore) goods, force has been used, and the excuse of an accident to the owner of a house as a pretext for a burglar to enter a house. He tells the lady that the *bwana* has had an accident and will send someone to look after him. While the woman is perturbed, the burglar gets busy and takes things away from the house. All the common devices of criminals are also made use of. Personally, I have suffered from one of the burglars. We had collected a parcel to send to the Bengal Relief Fund one night, and the next morning that parcel was missing; we had ransacked our wardrobes and tried to make the parcel a large one. Although even with civilization certain sections of the population may try to find a career in crime, there is no doubt about it that it is in its early stages that crime has to be tackled seriously; otherwise it grows and grows greater with success every day.

Some of the suggestions put forward by the hon. mover are very excellent, but there are some which, in my mind, verge on imagination and are inclined to outstrip any remedies that should be applied to some of these things. It is no use any of us trying to ask for legislation that would verge on the ridiculous. This problem is common to all countries. There are receivers in all countries. If there were no receivers, as the hon. Member for Mombasa said there would be no thieves, but it is commonplace that the law should be devised in such a way that it deals fairly with all the problems in its administration, and not in a way whereby reports are published here or at home which give a different impression as to the way we tackle these problems.

There is one aspect of this matter which I want to bring forward in all seriousness. A crime takes place, people are diffident of reporting it because they do not meet with civility at the police stations and, further, when the case comes before the court respectable witnesses do not receive proper protection. After all, it is not only the thief who is at the root of the prosecution, but probably the receiver also tries to protect himself by employing somebody with a watching brief, and all kinds of questions are asked of the respectable which make it difficult for respectable people to go to court and give evidence.

Again, some of these prosecutions are so long delayed, that there is no incentive to people to volunteer evidence. When I say that legislation should not verge on the ridiculous, I was thinking of cases in the magistrate's court, although not particularly cases of crime but cases of the infringement of by-laws when, for the sale of bananas without a hawk's licence, an African is fined Sh. 50. That is verging on the ridiculous, and people must be saved from that sort of thing. I know of a certain case that happened a few weeks ago in River Road, and I received a frantic telephone message at my office, and a big deputation came to me and asked me to go to the police station with them where they wanted to lodge a complaint. I asked why I was wanted in my capacity as Deputy Director of Man Power as it was not my business, but they said that if they went to the police station nobody would listen to them, and that was why they wanted me. I spent a good part of the morning that day at the police station in getting evidence recorded, and I can assure hon. members on both sides of Council that the police themselves were very worried about the kind of cases that crop up. It was the case of a servant in a shop taking advantage of the owner turning his back to open the safe and take cash from it. He tried to run away. There are always hundreds of natives in River Road congregating there, and they make any kind of protection or order impossible.

There is another kind of crime that is occurring. Mention has been made of illicit brewing of *tembo*, and brothels in certain parts of the town, and I know in one section of Eastleigh where members of the population have complained for a long time, but no serious action seems to have been taken to meet it. There was one subject mentioned in the hon. mover's speech, and that was fraudulent bankruptcy. To my mind the question of fraudulent bankruptcy should not be tackled as a crime under the Penal Code. No doubt it is a crime on the civilized population, but—

MR. WATKINS: On a point of order, I said I was not referring to the artistic forms of crime such as fraudulent bankruptcy.

MR. THAKORE: During many years of a business career I have also suffered

(Mr. Thakore) from fraudulent bankruptcy, and my section of the community have not been the only ones who have deprived me of some of my cash in that direction. (Laughter.) Many of the suggestions put forward by the hon. mover will, I am sure, be given proper attention by the Administration, and everything possible will be done to see to it that in the initial stages an attempt is made to stop crime. It is like the prevention of diseases: if the disease is not tackled in its first stages it grows and grows, with the result that at a later stage it is almost impossible or very difficult to deal with it. Some suggestions have been made for dealing with receivers. There also I would say that receivers should be very of all communists, (Hear, hear.) They strongly deal wites who without doubt have the people who without doubt have thefts committed and receive the goods, and give a greater incentive to the burglars who commit thefts. There should be no leniency in that direction, whoever is responsible, whether Indian, African, or white man, (Hear, hear.) With these remarks I support the motion.

MR. MATIU: Your Excellency, I should like to congratulate the hon. mover on the excellent way in which she introduced this motion on crime to this Council. I should like, however, to make a few observations on this subject, and perhaps I should preface my remarks by referring to the phrase which was used by the speaker, the hon. Member for Mombasa, that Government seemed to think that the African does no wrong.

MR. NICOL: On a point of order, I said there seemed to be in high quarters in the Army the opinion that the African could do no wrong, not Government.

MR. MATIU: I accept the explanation, but I would like to say that crime is a disease which is suffered by the whole human race, and as such it has to be tackled and cured by the whole human race. It is not a disease which is peculiar either to any particular community or to any particular country, and it is for that reason that I think we should look at this problem as far as we in Kenya are concerned from all points of view, and not directed particularly to any section or any area of the country. I am not

defending the criminal. The criminal should be dealt with in a way that would make such a person a useful member of society so that he should not continue practising anti-social acts. But I hold that that negative side is not the whole story. There are two main factors, as I see it, which are involved in crime. There is the criminal himself, and the social environment in which the criminal lives. I do not think there is a race in the world—I am open to correction here—which is inherently criminal, no constitution of the human frame which is 100 per cent criminal. If that be the case, we have to look for the causes of crime, as a point which I have not heard emphasized this morning. Why have we got criminals? why do people practice anti-social acts as they do? I think the answer is mainly to be found in the society in which these people live. We have to ask ourselves: Why do they want to get this and the other thing illegally? It became they are not provided with the things they want, that their economic position is so low that they must get something? Those are possibly questions that we might ask. Have they got employment, and is this employment providing them with a means of livelihood? How are the housing conditions of these people, what is the condition in regard to land and agriculture for these people, have they got sufficient trade facilities so that they are able to trade and make ends meet? Those are points which we should go into to find the answer to the main problem of the increase of crime in this country, and I believe in the other countries of the world to-day.

After those remarks I should like to mention a few of the offences referred to this morning, offences against person and property. One that I have been strongly stressed is that of indecent assault on women, European and Asian. It is an unpleasant affair, and I do not like to dwell upon it, but I should very much like to mention, and this can also be supported by evidence, that there have been cases where African women have been indecently assaulted by members of other races. I do not say that in both cases they should get away with it, who cases they should indeedly should definitely be dealt with, but it should be common to all communities in the country. (Hear,

(Mr. Mathu).

The other point I should like to mention is the question of robbery with violence and thieving, and such other offences. I hold there that whoever is the thief or whoever the robber, he should be dealt with properly, and a means of stopping such acts brought into being. Finally, the question of remedies has been touched on and certain suggestions have been made. I think that punishment should be inflicted on the wrongdoer, but I think we have to be very careful not only to look at the negative side of the punishment, as I have already indicated, but to think of the three main types of punishment—reformative, preventative, and deterrent. We should emphasize reform first. To illustrate what I mean, I will take malaria fever. If a man gets bitten by a mosquito and gets the malaria germ, he is taken to hospital. The doctor treats the patient very well, gives him doses of quinine; he is cured, and goes back home. He finds that the very place where he is living is exactly the same: the mosquitoes are breeding near the door, at night he has no mosquito net, he gets bitten again, and runs to the doctor; he is treated in hospital, cured, and goes back again, and finds the same position. The mosquitoes have multiplied, there is no net, and the doctor will have an endless job. It is the same with crime.—We should not only take the criminal and put him in gaol, but after a term of 5, 10 or 20 years he goes back to his social environment where we have done nothing to reform the economic or social positions which were mainly responsible for making him become a criminal. If we get him again, we put him in gaol, and we continue the same thing. That is why, I would like to consider reform, or the educational aspect of punishment, as most important. Other things will, of course, be taken into consideration.

While on the question of punishment, I would like to refer to corporal punishment or flogging. I have no strong objection to that (hear, hear), if again it is going to be a thing that will be inflicted on all criminals and not on a particular section of the community (hear, hear), because we shall be accused of, I think you call it sadism; sadists are people who take pleasure in inflicting pain on other people. It is that accusation

in this country should not like to have, that we are a lot of sadists who take pleasure in inflicting pain not on themselves usually but on other people. I should like to suggest that if corporal punishment—by the way, I am opposed to corporal punishment in schools. As a schoolmaster I think it is a thing that people in schools should use as a last resort. But that has nothing to do with crime as a major issue. The point I want to raise here is that if we emphasize corporal punishment on any particular people and give the publicity suggested, and even say natives are committing crime and no other people are mentioned, surely you know the strength of suggestion. The African people will be demoralized, they will be given the impression that there are no honest people among them, no disciplined people, that they are all criminals. If facts and figures are produced of criminals, all should be included, and not one section of the community.

With those remarks I suggest that we do all we can to clean up this country of anti-social people by reforming all the things we are responsible for so that we should not have irresponsible remarks and statements in the Press or Council or conversation, and that we should feel it is our duty to bring this country to the highest level of morality possible in every walk of life and applicable to all sections of the community in this noble country of Kenya. I support the motion.

MR. SHAMSUD-DEEN: Your Excellency, I should also like to support the motion, although the actual phraseology is such that it is somewhat vague, but what I take it to mean is that something must be done to stop this increasing wave of crime. I could give vent to cases *ad infinitum* of assault, robbery, etc., as has been mentioned by the hon. Member for Mombasa, but I think I should cite my own personal case that occurred about a year ago. I was a victim within five minutes of 5 o'clock one morning, for while I went to the lavatory outside all my blankets and clothes, absolutely everything in the bedroom, were removed. As a matter of fact I rather admired the thief doing it in such a short time. Strangely enough, that morning I had nothing to wear and Col. Oliver Stanley had arrived just at that time. (Laughter.) I am not suggest-

(Mr. Shamsud-Deen).
ing that he had anything to do with it. (Laughter.) What I meant to say was that I did not know what to put on so that I could appear before him. It has been asked why crime is on the increase. I think the answer to that is perfectly obvious.—The criminals, whoever they may be, I shall not mention any particular community, have got the idea that there is such a relaxation of law and the administration of the law and the enforcement of law that people can get away with impunity and in an open and daring manner do just what they like. I have made reference to the police and authorities concerned for a long time that I think it is perfectly useless trying to do it any more. The only way I thought of to effectively prevent a recurrence of the theft at my house was to engage two watchmen, which costs about K10-0 a month, but I do not think it is extravagant to do that, because the thief's phase is the theft of motor car tyres. I think that if I keep an *askari* job, say, six months he would in the long run save money when you compare the prices of tyres. There is more than one car in our house, and the value of the tyres and so on would be equal to the pay of two *askaris* for four or five months.

The question is, what is to be done? I submit that the criminals when I have paid sentenced to imprisonment—I have paid a visit to the prison recently, and the conditions I found there are such that they are no deterrent to the convicts, especially; as the hon. member Mr. Mathu said, it is no use trying to prevent crime unless something is done to prevent habitual criminals reverting to the same things. Most crimes are committed by gangs who come out of prison after serving their sentences, and the only remedy I submit is to have what we have in India, a sort of criminal settlement for convicts. The moment a man comes out of prison he goes to that settlement, and is given every encouragement and facility not to resort to a criminal life again but to lead an honest life. The only way to do that is to remove these sentences to a settlement where they cannot be a danger to general society. I hope that will receive consideration.

MR. BEECHER: Your Excellency, I rise to support the motion, and to supple-

ment some of the things that have already been said. I take it that the idea is that there should be a sort of general catharsis of this whole subject, difficult and, in a sense, nauseating, and that anybody with anything to say should say it now and get the matter done with.

I should like to make it quite clear that, as far as I know, the African is every bit as alarmed at the increased crime in this country, as it affects him and affects members of other races in the country. The figures which were cited by the hon. Member for Mombasa in seconding the motion indicated that the African is very vitally concerned and that the increase in crime in African areas in recent years has been greater, if anything, than has been experienced in towns and elsewhere. While the war may not be directly responsible as such for this great increase in crime, I think that must be admitted, as my colleague has indicated, that this crime wave which we are experiencing in this country, and which is being experienced in most parts of the world; is the outcome of social and economic disturbances which themselves have contributed to present war conditions, and I would emphasize as strongly as I possibly can the point in which my colleague made, namely, in so far as the African and crime is concerned we must look beyond the apparent circumstances and see that he is affected as a criminal by his social and economic circumstances.

I know the hon. Commissioner for Lands and Settlement will have some remarks to make to me on this, publicly or privately, but I would call attention again to the slum conditions under which so many Africans at the present time are forced to live, which are a contributory factor of considerable magnitude in this increase of crime, and the pressure of adverse economic circumstances adds to that. I freely admit the necessity for an immediate programme of action in respect of this crime wave, and we must respect as I have said before, plans which have, as I have said, been made and are capable of immediate implementation and are designed to bring about a check; but the long range project should not be overlooked. Crime is a sociological problem. I had the opportunity of becoming aware of this under one of the leading exponents of the treatment of young delinquents in Great Britain, Professor

[Mr. Beecher] Cyril Burt; as a pupil, and not as a patient! No one who watched him at his work could fail to realize how conscious he was of the fact that unless there was before those who had to deal with him some clear purpose of the reform of the criminal, no reasonable line of approach was available.

In this country there are very many neglected aspects of the treatment of crime. I have spoken about them before, and the only way in which it would seem that we can get anything done is to repeat those remarks—*ad nauseam* is the phrase one of my hon. friends used in this connexion—and hope that something may eventually be done. I would remind Council that, although we passed the Probation of Offenders Bill some long time ago, still nothing has been done about the inception of a probation system. The hon. Member for Kiambu has called attention to the most serious state of affairs in which our approved school system is at the present time. I know it to be a fact that the officer in charge of the Dagoretti Approved School is unwilling to receive certain new cases there, not only because he is overcrowded but because he has in that school boys much more by way of being old lads than first offenders. As he said, the approved school at Kabete is now a hotel which is at the disposal of enemy aliens who have a comparatively easy parole and who are a source of some perturbation among the local African people. Another aspect of this question and the positive treatment of crime is the question of stock thefts and the general treatment of recidivists. On behalf of the African people who placed before Government what I consider to be a very reasonable proposal for the treatment of recidivists in a way which they were prepared to have established in their country, I make the strongest possible protest against the fact that their project was not implemented. Unless we take care to see that the old lag is kept away from the community of which he has proved himself to be unworthy, then we are going to ask by that very act for crime to increase and not decrease. We must be at great pains to see that the recidivist is put in a position where he can both improve his own circumstances and not be in a position to pass on all

the arts and crafts that he has at his disposal to other members of the community. Incidentally, had any incipient criminal been in Council this morning he would have learned a thing or two from the speech of the hon. member whom she described in such lurid detail the way in which "it is done" (Laughter).

Mrs. WATKINS: I do not think they need much telling.

Mr. BEECHER: I pass on to a subject most distasteful to me from which I must comment; that is from the African point of view, the very serious nature of the example set before him in certain cases at the present time. It is often emphasized, sometimes with an ulterior motive, that the African is a child. It is perfectly true that the African in matters of crime has unfortunately shown himself to be a somewhat pig pupil, but in these matters of crime I would ask: Who is his tutor? It is a very unlaudable business to pursue the matter further, but the question of indecent assault has been raised this morning, and I think it very necessary that, distasteful though the subject may be, we should examine the matter further. I regret what I have to say, that this is in part due, in my opinion, to those facilities which have been afforded—I repeat the word afforded—to African troops in the Middle East of a somewhat unpleasant and unsavoury nature which have in part contributed to the idea that women can be the subject of his attention in this particular respect (Hear, hear). It is a matter on which I think the strongest representations should be made to the authorities concerned, and some attempt should be made to stop it. There are further aspects of this matter which have to be taken into consideration, lest we get away with the idea that the African is a person bent on committing indecent assault. There have been cases brought to my notice of the deliberate soliciting of Africans by European women. There are a number in this town, unfortunately both in the Services and outside, women who can only be classed as nymphomaniacs who should be inside an institution, and added to this we have the example of troops who have been responsible for the almost enforced degradation of African women, and that even arranged by non-African organiza-

[Mr. Beecher] on behalf of the African these days. On behalf of the African these days, unsavoury though they are, must be said first a half truth be told and a second misconception of the whole case would remain in record. (Hear, hear.)

There is the further question of the pilfering of military stores by Europeans as well as other races. The African in the army is in a very inferior position, and if he sees a non-African doing these things and getting away with it you can be quite sure he himself will try it on. I have had a personal experience of this. I had a guest staying in my house, a European, and after lunch one day he put his hand in his pocket and said, "I have three tyre gauges here, would you like one?" Those were, of course, military property. Although I did not take action along the lines of reporting him, I dealt fairly faithfully with him and hope that he will not do it again. I hasten to add that I do not accept one of those gauges (Laughter). There is another question which has been touched on, on which I should like to enlarge, and that is the behaviour of what I believe are called Italian co-operators in this town of Nairobi. You see them walking all over the place and in and out of shops. I know that making purchases from shops is a prohibited act. There are people, I have seen them appearing in the last few days, who are described as Italian military police, walking up and down the street quite oblivious of the fact that their fellow co-operators are entering shops and making purchases. Perhaps, of course, they are carrying the spirit of co-operation a little far. The real question is: where are these Italian co-operators getting the money with which to make purchases in shops, and what do they do with the money in addition to making purchases, which are prohibited acts? I also have information at my disposal which indicates that quite a lot of money—which, in a way I do not understand, gets into Italian hands—is used to the detriment and degradation of African women.

This question of corporal punishment is another unsavoury subject which we have had to deal with in this debate this morning. I gather from the reception given to my colleague's remarks on that subject that it is the intention of members

on this side of Council that, if there should be any tightening up of the question of corporal punishment being awarded as a deterrent sentence, that that punishment should be confined to the African alone. (Members: No.) If that is the case, I am most grateful to them for that expression of opinion and feel more able to lend my support to this motion. I will not, therefore, comment further save to say that, in the case of receivers it might well be so degrading a sentence, which has hitherto been regarded as fit for Africans and nobody else, in the case of receivers of whatever race such a sentence might well be applied.

Before sitting down I should like to make reference to certain police matters. I fully realize that their terms of service are unsatisfactory, and I am most grateful to Government for giving an undertaking that the terms of service of the police of all ranks and races should be examined. But I do feel that, at the same time, it should be expected of the police that they themselves would undertake an examination of the methods which they employ in seeking to deal with this very big subject of crime. It may be, of course, that they suffer not only from a sense of frustration owing to the adverse terms of service under which they are employed but because of those—unintentionable and oft repeated—experiences of criminals being acquitted on some technical count or other. If that be the case, one trusts that the Legal Department and Judiciary will take steps to see that that farcical behaviour is not repeated *ad nauseam*. But I should like to give two illustrations of police methods, part of my own experience, in order to indicate what I mean. I like to say many other members on this side of Council—I do not know how Government members have been affected in this particular respect—suffered a small robbery. I was stretching to the police officer who was stretching to himself at his desk somewhat lazily, approaching his day's work. He made no attempt to give me any assistance, save to say that it was probably my houseboys, and that if I would take them over to him he would "put them down and give them some 'put them down and make them talk' six of the best and check up on them." That is not the way to check up on robbers, because however much you might

[Mr. Beecher] "put down" these particular houseboys— I do not know about other people's— and give them six, you would never get them to admit a crime which they did them to do. On another occasion I was in the presence of a fairly senior officer of the police, rather frustrated at his inability to get a case against a particular man whom he felt sure had committed a particular crime. Presumably very nettled by the fact, and trembling from head to foot, he said, "If I could only get my hands on that man I would make him talk". Really, that is not the type of behaviour one would expect from so dignified a service as the police, and it is small wonder the African in the reserve has some reasons for objecting to the extended use of the police in the native land units and saying, "We do not like the police—they wear blue boots". Having said that, I would like to make it clear that, from the African point of view as well as from the point of view of general citizenship in this country, I most wholeheartedly support the motion before Council.

MR. COOKE: Your Excellency, I am reluctant to intervene in the debate because so many speakers have already said what I would have liked to say myself, but as an ex-magistrate I might be able to contribute something useful to the debate. In my opinion, the most serious matters in this country at the present moment are soil erosion and the increase of native crime. Therefore, if I may say so, I was very glad that Your Excellency was energetic enough to proceed to Ukanba and give that very inspiring broadcast that you gave, and if we can interest Your Excellency in this matter as well I think we would be getting very much further. There is no intending when I say that Your Excellency is very familiar with crime, because you were yourself an administrative officer for many years, and a prominent member of the Bushie Commission, and must have studied the various suggestions brought before that Commission. For every crime there must be a cause, and that has been emphasized by previous speakers. If the Member for Mombasa will excuse me saying so, he was a little hard on administrative officers, because the reason for the increase in crime is really the

breaking down of tribal sanctions for which administrative officers are in no sense responsible, and if crime has increased in native reserves of recent years it really is caused by old laws being chased out of town and finding out that it is sometimes more easy to commit crimes in the reserves.

I was very glad to hear the hon. member Mr. Beecher refer to the European example, because the example of the Services in this country has been very bad indeed. There is hardly a hotel in Mombasa, for instance, which has not been practically stripped of electric light bulbs and fittings and lost a very large sum of money in the way of thefts of sheets, glasses, and that sort of thing. Example is better than precept, and indeed I suggested to the Chief Native Commissioner, the predecessor of the present hon. Chief Native Commissioner, that there should have been some liaison with the Army from the start to teach soldiers unfamiliar with local conditions how dangerous their examples were to local inhabitants.

There is one aspect of the matter that has not been dwelt on, and that is the lack of purchasable goods. That has led to a large increase in crime, and the same thing happened in England. There has been a large increase in crime there, and if a native is unable to purchase goods he will not unnaturally endeavour to steal, so that tendency will show a certain amount of amelioration probably when the war ends. With regard to Service stores, I would like to issue this warning: that there is a grave danger, and a case happened the other day—I do not like quoting individual cases—where a boy of the Game Warden was arrested because he was in possession of a military overcoat, but the Game Warden was able to prove, having taken it up with the police, that the boy purchased it from a store. This was a second-hand overcoat which the salvage people have been disposing of recently. So that we have got to watch that matter fairly closely. With regard to the cure, I strongly support the hon. mover. I have before this advocated that recidivists should be deported. I think I suggested Mafia Island, and they should be deported there with their wives and families and given an opportunity to turn over a new leaf. At any rate, society

[Mr. Cooke] would be rid of the presence of these gentlemen for all time. There will, of course, be an outcry in England over such a suggestion, but desperate diseases require desperate remedies, and when after the Napoleonic wars England had a large increase of crime it had to be dealt with severely by magistrates, and we know that deportations to Australia and other countries took place. It is not more than a little over 100 years ago that a child was actually hanged in London for stealing sweets. We do not want to go as far as that in this country, but there is every justification when a matter has got out of hand as it has here and when we have trustfulness to the native inhabitants, to take a strong line in this matter.

I protest what has been said about probation officers. That is an example, you will see, sir, of gross postponement of action in this country, the greatest course I have experienced: Time after time we bring up these matters, and nothing is done. The excuse is that there is a war on. The same excuse was made by the hon. Director of Agriculture before the Standing Finance Committee because he could not get officers for the soil conservation service. It all depends how strongly you make an attempt to get these people. I shall be unpopular with the Services if I say so, but you cannot proceed down the streets of Nairobi or Mombasa without seeing hundreds of young Service men walking about or driving cars, and one wonders whether they are doing it these gentlemen if we realize there is a war on, and the reply some of us would fain give is that they do not do it. There was a current rumour going round in this country a few months ago, which is most unfair of course, but it shows what people think because everyone was saying it, that the East Africa Command had made a separate peace with Hitler! But there you are. One very small point was brought up by a missionary in my constituency, when he said that crime was for the increase in buy a padlock nowadays. One cannot buy a thief to enter a house. If the Imports Control could let more padlocks into this country it would be one factor contributing to the

control of crime. Incidentally, the missionary said how strongly he felt that after the war the native would have to be re-educated. I think that is a very good phrase, and it is up to us to see that re-education takes place as soon as possible.

I do not altogether agree with the criticism of the High Court, and never have. I have always taken the line that the laws of this country have been founded on the experience of centuries. It is easy to say that they are full of technicalities, but those technicalities, experience shows, have been necessary for the protection of society, and we must be careful to see that we do not follow the line Hitler has taken and have too much administrative law. That is not to say that I do not agree with the hon. member in a lot of her comments, because I do, and I am sure reform of the laws could and should take place, but it is not so easy, as the hon. and learned Attorney General will point out as some of us may think. I am one of those who think that instead of always demanding our rights in this country as Europeans, we must recognize that we have reciprocal obligations, which are especially towards the African. I feel that especially towards the African, I feel that a much wider view should be taken of the matter. What the African suffers from in this country is lack of character. He is unreliable, and lacks stability, and it should be our aim to characterize, and instill those qualities into him, because if he falls these qualities he falls because of everything, and if there is any meaning at all in trustfulness we must see that the educated African is brought on our side to take part in the control of Africans themselves. I mention this a second time, because I first mentioned it was not here when Your Excellency was during the budget debate. Africans in Mombasa with whom I am in touch on these matters, about a year ago offered their services as special constables to the police. Twenty-five or so were enrolled, and Supt. Pugh, of the police, said they were very satisfactory—I think he got rid of only five. Subsequently, the police refused to issue uniforms, and nothing was done until the hon. member, Mr. Beecher and myself raised the question in this Council. That is an instance of the procrastination going on in this country, and we all feel that, as

[Mr. Cooke]
Your Excellency has given such evident signs if I may say so, since you came here, that things would be expedited, we have great confidence that you will take a strong line in this matter.

With those words I support the motion.

MR. COULDRAY: Your Excellency, I had not intended to speak to this motion at all, because I am sure that everybody will agree that enough has been said, and very ably said, to show you how very perturbed the whole country is at this increase in crime, and I do not know that anything I can say will add very much to what has already been said. But there are two points raised in debate on which I think I must say a few words. First, the speech of the hon. member Mr. Mathu. It is the first time I have heard him speak in this Council, and I think he was showing something like a sense of fear of racial feeling. Well, I should like to assure him right away that, if when we talk about crime or talk about anything else and we mainly mention Africans, it is because there are mainly Africans in the country. Pretty obviously there must be more crime among Africans because they are in such a tremendous majority, but it is not other people should have it made perfectly clear that there is nothing racial whatsoever in this motion. We entirely agree that all these measures must be taken away from anything racial.

The second point is rather unfortunate because I nearly found myself agreeing with the hon. Member for the Coast, which would have upset him! I regret that my hon. friend from Mombasa said that it was partly the fault of the Administration. It is not. Ever since I have been in this country the whole tendency has been one of taking more and more power away from administrative officers, their wings have been clipped, and on nearly every occasion that has been the whole tendency. I will now say something you, sir, will not like, but I know you appreciate frankness. I believe we are reaping to a very great extent the harvest of that unfortunate Bushe Report. I do, sir, I quite agree that the long term ideal would be to have all these technicalities and niceties and the jargon and the cumbersome delays of the British legal system, but I submit that

there is a tendency in this country to impose it on the country prematurely. There are not enough magistrates, not enough police, not enough trained prosecutors to impose it properly, and the people who mainly inhabit this country do not understand or appreciate that system. I much regret that, whoever signed the Bushe Report, that any part of it to go back now, and I hope that in the new era of action on which we hope we are embarking that action will not take the shape of implementing any more than is essential of that Bushe Report. With those few words I support the motion.

MR. TRENCH: Your Excellency, I think there is a feeling abroad at the present moment that nobody else should get up and speak, for I notice people looking at the clock! But I feel too that this is such an important matter that I must make one or two remarks. The hon. Member for Kiambu, the proposer of the motion, and her seconder, the hon. Member for Mombasa, have been extraordinarily verbose! Do not let me be misunderstood for one moment. They have put their case extremely well, and lucidly, and it leaves me little to say. But the first point I was going to raise to my horror, my next door neighbour, the hon. Member for Nyanza, dwelt on that particular point straightaway. I am a little suspicious, he might have looked in this direction. (Laughter.) That is a crime—

MR. COULDRAY: Is the hon. member in order in imputing a crime to me? (Laughter.)

HIS EXCELLENCY: I am afraid that he is out of order!

MR. TRENCH: The first point I wish to make is this, that the African community in this country is facing an extremely difficult period: They are faced with the impact of western civilization and, to put it very briefly, whether it was on them or whether it was on the European community or the Asian community, their reaction, I think, is nothing unexpected, and were the other communities in the same stage of development theirs reaction would be the same. The Africans lack education and so on, and so naturally such people, be they black, white, or brown, are often put off their balance on such matters as we are dealing with—

[Mr. Trench]
the present time. I would like to see as soon as possible the Kenya Police Force extended to the whole country. Until we get a uniform police service throughout the country I feel that we shall not be tackling the problem on the soundest lines. I think it will be agreed that tribal police force is not altogether satisfactory, and it is essential that, as far as is humanly possible, all petty crime, whether it be in the native reserves or outside, should be nipped in the bud; otherwise petty crime leads to greater crime.

The second point is that I would like to see some increase in the police posts throughout the settled areas. To-day, it is far too difficult to get hold of a policeman to offer to take up and investigate this petty crime. Another point I stressed only two days ago was the mobility of the police, and I feel sure that when you, sir, go on your travels around the country, as I understand you intend to do shortly, you will realize how many areas of the country—because the police do drive around in motor cars and are therefore chiefly confined to the main and district roads—are obviously left untouched. Another point is the question of trained prosecutors. Time and again you will hear these hardworked inspectors of police say that a great deal of their time is taken up as prosecutors, and I say that we are putting far too great a burden on them. Furthermore, the tendency is for inspectors, when they have to be prosecutors, to only take up a case when they are dead sure that they are going to get a conviction, and many think if we had trained prosecutors, many cases that are to-day not taken up because they are doubtful would be taken up, and possibly in some of them convictions obtained. Again, I want to see an increase in the number of justices of the peace. I think they have done splendid work. Again, petty crime can be brought to justice very much more rapidly, and in that way it will tend to reduce the incidence of greater crime.

The last point is that the African community, African labourers on farms, I personally and many of my brethren up-country have found them most willing to cooperate in apprehending these criminals, but there is a feeling that to-day the Administration is not doing the work

they should, and when they do assist us in apprehending these criminals it is more out of a sense of loyalty to the individual employer rather than to a sense of social security and supporting the Government.

That is all I have to say, and I beg to support the motion.

HIS EXCELLENCY: If no other member wishes to speak to the motion it would be most convenient to Government if we adjourn now, because it will give the hon. and learned Attorney General time to consider the various suggestions which have been made in this extremely valuable and illuminating debate. If we adjourn until to-morrow, I hope that we shall be able to say something more definite than we can at this moment after the consultations we can have. I am in some difficulty because I feel most strongly in favour of all the specific proposals made by the hon. mover, nearly all of which can be found in the Bushe Report. (Laughter.)

The debate was adjourned.

ADJOURNMENT

Council, adjourned till 10 a.m. on Wednesday, 10th January.

Wednesday, 10th January, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 10th January, 1945. His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of 9th January, 1945, were confirmed.

CRIME POSITION IN KENYA

The debate was resumed.

MAJOR KEYSER: Your Excellency, after the spate of oratory with which we were—(A member: Inflicted!)—yesterday, it was not my intention to say anything, but there are a few aspects of the problem before us that I wish to put before this Council—the hon. Member for the Coast, in his speech, yesterday, mentioned that our laws were based on the experience of many centuries. He did not go on to say that those laws had been evolved concurrently with civilization which is also based on many centuries, and that those laws are provided for a people with traditions and a civilization many centuries old. I think one of the troubles that we are faced with to-day in crime in this Colony, particularly crimes committed by the native population, is that we are trying to deal with the crime of those people who, after all, only a few decades ago were savages; we are trying to deal with their crime by laws that were framed for a people whose civilization is many centuries old. (Hear, hear.)

We heard a lot yesterday about having one law for both black and white, and I think that that is a very admirable aim. But it is practical politics to-day? The whole make-up of the various races is quite different, the whole basis of their civilization is different. One of the differences between a civilized and partially civilized race is the willingness with which the people of a civilized race give evidence in case of crime. Crime in a civilized country is not only kept down by deterrent sentences but to a great extent by the willingness shown by the population to prevent crime. They are willing to come forward to give evidence when it is possible to

do so. One of the difficulties the police in this country have is that they cannot get evidence. The hon. member Mr. Beecher yesterday mentioned two, very unfortunate cases, in which the police were trying to extract evidence. Well, I am not in favour of those methods, yet I sympathize with the police in their attempt to get evidence, because I have seen cases in which it is perfectly obvious and one knows that a crime has been committed and that numbers of native present know who committed the crime; and they know all about it. But it is quite impossible to get evidence, in cases, for instance, of stock theft, which were very prevalent some years ago, far more so perhaps than they are to-day. It is one of the forms of crime in which we have seen a little bit of improvement. But in cases of stock theft there is no question at all about it, in almost every case some employee of the farmer whose cow was lost or several employes were implicated and knew exactly who, in fact, had been the parties to the theft and had helped to organize it. In many of those cases, and of housebreaking that takes place to-day, the thief knows so well the various snags to the house and exactly how to get into where the booty is kept that he must have inside information. All this, of course, does make it extremely difficult for the police, and to say that there must be one law for both black and white in all cases is, to my mind, quite absurd. I do not agree that the principles of justice should be different. I think the principles of justice must be the same. It is the methods, the deterrent methods, and the methods of getting evidence that I think must be different.

I will take a case I am acquainted with, that happened quite recently. It was a case of certain members of a tribe who lived together quite apart from any other tribe. There were about ten men in that family. The police made a search to look for stolen milk. They searched the huts and found nothing. Outside the huts in the bush they discovered a great number of gourds, about 20, full of milk. Those gourds obviously came from those ten huts, they obviously contained stolen milk, and all the people were implicated. The accused complained that the gourds in the huts were not theirs, but one knows that every hut of that type has a gourd. Yet nothing could be done

[Major Keyser]

because an owner could not be placed to catch a gourd. It was subsequently discovered that the milk had been obtained by milking the cows at night in the paddock. In that case I submit that it would be perfectly just and fair to have had some sort of form of collective punishment by which the whole of the ten natives could be punished for that crime.

Again, you get cases of arson. There have been a great number of these cases of arson in the last year or two. It is a form of revenge, if you like, which is very easy to get away with. All the culprit has to do is to get a piece of faggot, come along at night, having hidden it under a piece of old sack, and he has a look round, nobody is there, and he shoves the faggot into the thatch and he is off home, and there is no evidence about it. Yet in many cases, not in every case, there are a number of people on that farm who know who the perpetrators are. In many cases, it is done with a caveat: If the ingenuity that is used by these people in the commission of crimes was used in their work, I think there would be very little complaint about the amount of brain work they could put into their employment. There were three cases to my knowledge of arson in which pigsties were set fire to, in every case the majority of the pigs were burnt alive. That was done with an object, the object being that the moment the pigsties were set on fire, the alarm would be given, the farmer would rush down to save his pigs, and meantime his house was burgled. That happened on several occasions where pigsties were set fire to. Only recently a house was burnt down. The owner, a very distinguished soldier who was in the last war, and is to-day commanding an Artillery Regiment in Holland, had put a caretaker in his house. The caretaker says he came out one night, the fire starting in three places and found the fire starting in three places in the house. In all these cases I cannot see how this is going to be controlled without some form of collective punishment. The answer to that, when I suggested it to the last Attorney General (Mr. COLUJREY: Not the last. (Laughter.))—was that it would be extremely difficult to apply collective punishment. He said, that supposing there had been a case of arson in a town, would all the inhabitants of the town have to be fined? I am not

suggesting that, but in definite cases where it is obvious that the crime is committed among a certain number of people and evidence is not forthcoming, I think collective punishment should be inflicted on that whole community. (Hear, hear.)

It was also mentioned by several members that perhaps crime was due to certain deficiencies in diet or social amenities or ownership of land, or something of that sort, that there was some reason for this crime, but I am quite satisfied in my own mind that in 90 per cent of the cases of crime with which I am acquainted this was not the case. It was not a case of want. I want to know it in Europe is quite a different thing. There you get cases of people committing crimes rather than starve, but it is quite easy to live in this country. Here it is not easy to live, nobody need starve, in a country like this, except in cases of drought or famine which is a different thing. But normally, there is no necessity for anybody to starve here, and I do not think that any of these cases of crime are committed because of want. A curious factor is that many of these crimes are committed not by the simple, well, by the simple savage if you like, but they are committed by people with high brain work, very often by people who get wages, and money by the person who would expect to be in want. The trouble, would not be that we cannot trace the people, but, and every time one brings it up and mentions some particular form of collecting evidence we are told it is brutal or that it is bringing in the racial aspect or something of the sort. But good governments are judged by their standards, one of the standards being the capability of maintaining law and order. And at this stage I cannot and order. And at this stage I cannot say that the standards of this Government, and those standards, is very high, because there is a complete lack of law and order in the Colony as far as crime is concerned.

We heard yesterday that a flogging would be agreed to provided it would be applied to all races. What are the virtues of deterrent punishments? They are, to surely, to do what they are expecting to do, to deter people from committing crimes. Again, or from committing them at all. One of the reasons why flogging is unpopular among, not the people who commit crimes but among those who criticize any suggestion of flogging, is

[Major Keyser]

that it is degrading. Well, surely imprisonment of a civilized person is degrading, and that is one of the virtues of it as a deterrent punishment. If flogging is considered degrading and is considered degrading by the person who it flogged, then I advocate it wholeheartedly, because imprisonment to many natives is not deterrent, as it carries no social stigma with it, whereas with a civilized person it carries a stigma with it all his life. Again, to mention another case in which I have seen the suggestion of collecting evidence by the use of dogs, dogs are used for tracing criminals in almost every civilized country of the world, but as soon as it is suggested in a country like this we are told that it is brutal and undesirable for that reason. I should like strongly to advocate the provision of good, well trained police dogs for the police, (Hear, hear.) Some officer who has been trained, possibly under the police at home or, if necessary, in America, or some other country where they do use dogs.

I said I was going to be brief, and I will try. I have been asked by the hon. Member for Mombasa to make a correction on his behalf. In referring yesterday to certain aspects of the use of brothels, he mentioned Italian prisoners of war—he should have said Italian co-operators. Another point I have been asked to bring up is the question of women on farms. In the past it has been possible for our women to carry on their farming operations in safety, while their husbands have been away, far more so than in other parts of Africa. To-day, it is getting more and more impossible for them to carry on, and we would like to get back to the position where they can carry on their farming operations in safety. (Hear, hear.) I do not think that there are any more points I should like to make, and I support the motion.

MR. FOSTER SUTTON: Sir, after listening to what has been said by hon. members on the other side of this Council, I do not think that anyone can be left in any doubt that not only the hon. members of this Council but, indeed, the whole public of this Colony are gravely concerned with the present obvious and apparent increase of crime. May I say on behalf of the members on this side of

Council that we share that concern? (Hear, hear.) If hon. members who have spoken will permit me to do so, I should like to say that, in my respectful opinion, the tone of this debate has been on an extremely high level, and I think that the degree of restraint that has been exercised has not in any manner detracted from it but has, I think, added considerable weight to it. May I also add my quota of praise to the hon. mover of the motion? I think that the case has been presented so well, so admirably, that she has performed a public service. Having said that, I am happy also to be able to add that the Government without any reservation accepts the motion as it is tabled (applause), and, following the example of the hon. member Mr. Beecher, I hasten to add that that acceptance does not imply any reflection on the judiciary. (Laughter.) What it does imply is that Government will take serious notice of what has been said and will not only actively consider the steps to be taken but will endeavour to get on with the job and see that some remedy is forthcoming. (Hear, hear.)

The hon. Member for Nairobi South made a statement yesterday with which I agree. He said that punishment must be made to fit the crime, and in that connexion I think it relevant to touch on a remark made by the hon. Member for Mombasa. He said that persons here, to use his own expression, feared the opinion that might be created abroad by the infliction of heavy penalties in this Colony. I have spent the greater part of my life in the colonies, and would state that in my view we have to legislate for our own requirements, and we should not be too sensitive about what other people think about us. (Hear, hear.) They do not know the conditions here as well as we do, and if we think it right and proper to introduce legislation which we consider, after careful and mature consideration, is calculated to meet any existing situation, then I say I think we are fully entitled to do so. (Hear, hear.) Of course, hon. members will appreciate that we can go on legislating until we are blue in the face and it will have no effect unless we have the courts with us. That particularly applies to the question of increasing the offences for which corporal punishment may be inflicted. I checked them after the debate yesterday, and find, I think I am right in say-

[Mr. Foster Sutton]

ing, that there are at the moment no less than 23 offences for which corporal punishment can be inflicted under our existing legislation. It has been urged in this Council that additions should be made and that corporal punishment should be provided in all cases of burglary. I should like to do so in cases where, so to speak, there has been constructive violence in burglary, and I think that that suggestion is one which Government should seriously consider and, if humanly possible, take early and active action upon. (Hear, hear.)

I have had the advantage since the adjournment yesterday of discussing the matter with his honour the Chief Justice, and he, having in view certain remarks which have been made—I believe one hon. member sometimes rather timorous about inflicting corporal punishment because of the view that might be taken by the appellate tribunal—asked me to say that in a quarter of a century on the bench he could not recollect a single instance where he had interfered with any sentence which included corporal punishment in a case of violence, and I am also happy to say that, if we do take the step suggested of providing for corporal punishment for the crime of burglary, he has authorized to our legislation that such an amendment to our legislation would have his approval. (Hear, hear.) It seems to me that it is a matter we must consider at a very early date. If the imposition of corporal punishment can have the effect of deterring persons from committing burglaries, I think the action suggested would be fully justified.

I am going to ask hon. members to excuse me from replying to the various points made about individual cases. I can say in passing regarding one case I mentioned by the hon. mover, I am informed (I have not had the opportunity of reading the papers) that the collapse of reading the papers that the collapse of the drug case was due to lack of sufficient investigation. I say that with the greatest reserve because I have not yet had the opportunity of reading the papers, but I have no doubt that the cases referred to are examined one would find there is some very good reason for their failure. I mean to touch on possible remedies at a later stage of my answer,

but to dispose of it once and for all I should like to mention the case referred to by the hon. Member for Mombasa. That case was taken under the Defence (His Majesty's Forces) Regulations, 1941. The point in the case was precisely what he said—they failed to prove that the stores had been issued by the War Department to members of His Majesty's Forces. That is the gist of it. I think in that case we should put the blame where the blame lies, but it does not lie with the court. If the Legislature choose to introduce this sort of provision in regulations of the kind, all I can say is they are asking for trouble, and why it was necessary to put in this provision that you have to prove that the W.D. stores were issued to somebody, I really find it impossible to understand (laughter), and you cannot blame the court if the provision is there and that the ingredient of the offence is that they require proof of it. If you do not want it do not put it in. The other suggestion, apropos of what I said just now, I can deal with now, because it is relevant. The amendment of the Penal Code, including the provision regarding W.D. stores, I agree with hon. members, should be done at once instead of by a provision of this kind. I propose to see that a bill is introduced at an early stage amending the Code and making the provision asked for. (Hear, hear.)

May I deal with the suggestions—which, I should like to say, I speaking for myself, have found extremely helpful—the suggestions, and possibly means, of removing the existing position, put forward by the hon. mover. The first suggestion was an increase of the police personnel. It may not be generally known, and I have ascertained from the Commissioner of Police, that on the 1944 estimates he is at the present time and on the 20 European officers down, and on the 1945 estimates he is no less than 29 European officers down. They are working, we all know, under terrific pressure. In my respectful opinion, I agree with the remarks of the hon. Member for Rift Valley yesterday, that they are called upon to do jobs which really they ought not to be called on to do. Their job is not to be called on to do, their job is the police job, not a prosecuting job, and they do it in addition to their ordinary work, and an enormous amount of other work which I hope, as a result of this debate we shall, sooner than later, be able to relieve them of. I have also

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had the advantage of discussing matters that have been raised yesterday with the hon. Provincial Commissioner. One or more of the hon. members referred to the question of replacing the tribal police with regular police. I am happy to say that the Provincial Commissioner have been considering this matter for some considerable time, and they are wholeheartedly in favour of such a course, and all hope, with the hon. members opposite, that the earliest possible opportunity will be taken to give effect to the suggestion. By that they do not mean that the tribal police should completely go, but that the investigation of cases and so on, the appropriate, if I may use the expression, police duties should be taken over as soon as possible by the regular police force; other ancillary duties can be found for the tribal police.

If I may take up next—it is not next in order, but I think it is linked up with that—the question of strengthening the Police Force. There can be no doubt that a large number of cases fall in our courts because they are not properly—I do not say this with any intention of giving offence, but it is a fact that a lot of them fail because of imperfect (which is probably a better word) investigation. That is very often due to the fact, not that the policeman is not doing his job and to the best of his ability, but because there is nobody to guide him and tell him the sort of evidence he must look for. That is an important thing. If you are investigating a case you have got to find out first what would be committed, and a trained man would know the evidence it was necessary to have to prove the case. Very often an inexperienced police officer does not know. It is no fault of his, for he wants guidance and, what is more, in my opinion he is entitled to such guidance. That is one of the reasons for failures, and another is because very often cases are not presented as efficiently as they could be presented. Again, it is no fault of theirs, and there is no implication against the police—they go in my opinion at a magnificent job of work. You have in Nairobi a court prosecutor who handles only ordinary police work but thousands of different types of cases, and he is expected to know law, expected to know how to frame charges and present a case in court, very often with a trained advocate appearing against him.

All I can say is he does a magnificent job. But is it fair on him? and when you hear that a case has failed by reason of some technicality it is probably due to the fact that the present prosecutor is not a trained lawyer, and he has not had the advantage of the advice he is entitled to get.

That brings me to this suggestion, which I have discussed with the hon. member before, the possibility of having trained prosecutors, not all stationed in Nairobi but stationed in various parts of Kenya, and I think that that is the answer to that part of the problem. (Hear, hear.) I think myself that we want to have in properly selected different parts of Kenya trained lawyers appointed as public prosecutors or crown counsel, whatever label you like, whose duty it will be to assist and advise the police and go into court and prosecute in all serious cases—I would like to put it a little higher: in all cases where it is possible for them to go in and prosecute. You very often have lay magistrates here, again, are expected to know far more than it is possible for any human being to know and to do far more than it is efficiently possible, and with a lay magistrate with no experience in law and an untrained prosecutor it is no wonder that cases, when they come to the court of Appeal or for revision, are so frequently upset.

The remedy lies, I think, with us. One cannot blame the courts for it. The court is there to do its duty. Every person under our system of jurisprudence is entitled to his full legal rights, and if the proper proof is not given or the case is badly presented he is entitled to the benefit of that mistake. That is what the system is based on and it has worked well. May I say that we are entitled to criticize our own show, but do not let us forget this: that our system is, I think it is fair to say, as administered in the United Kingdom is a source of admiration to the whole world. (Hear, hear.) It is efficient and expeditious. In cases of murder, within six weeks there has been the investigation, the trial at the Old Bailey or wherever it may be, the appeal to the court of appeal, and after the appeal has been heard and dismissed the person who committed that murder has been executed. I should like to know of

[Mr. Foster Sutton] who justice is any other country where justice is administered as expeditiously, and it is our duty to try and follow that example, to try and get on with it. We all know that our greatest ally—I refer to the United States of America—while it is not a monarchy, has paid us the compliment of copying our whole system of law. They have adopted our system of equity and taken lock, stock and barrel the common law of England, and this is some indication of what the rest of the world thinks of our system of justice.

The second point made by the hon. member was that better opportunities for overseas training in the United Kingdom or probably the United States of America, should be given members of the police whose duty it is to investigate crime. Of course, Government must agree that that is a sound suggestion. I have often wondered how the ordinary police officer with no training in criminal investigation work can be expected to take it up and do as good a job as the people who have received years and years of specialized training in Scotland Yard: It is a highly specialized type of work, and if we want our police to be as efficient as they are elsewhere it can only be achieved, in my opinion, by adopting the suggestion made by the hon. member. (Hear, hear.) I have already dealt with trained prosecutors. I forgot to say that at present, so far from being able to get more brown counsel into the districts, I am often not able to send crown counsel on occasions to prosecute in circuit courts. It is a physical impossibility, and the same applies to cases in the Criminal Court of Appeal: we have not got the necessary amount of work. It is an enormous amount of work. The third point of the hon. member was the strengthening of my department. I do not think that I need say any more than I have already said in that connection. Then she made another point, that there should be more resident magistrates: that is to say, professional men, and she went on to say, with experience at home at the bar. With that suggestion I respectfully agree, with one qualification. I believe that we could very often do substantially better if, instead of looking to the United Kingdom to produce the personnel of this type, we looked a little nearer home. (Hear, hear.)

I have had experience of the bar of England, and I had experience of the bar as a private practitioner in the colonies. I happen to have been at the Old Bailey in the Temple, and by day of that week were engaged in a busy practice of the colony, and I know that the colonial practitioner with an active practice has far greater experience and a varied experience than any counsel at the bar at home. I know that it is better for one simple reason: as we all know, a barrister who has the common law with a knowledge of the Administration and District Courts, also has considerable legal judgment, specializing in the particular branch of law in a colony: he has to handle every branch of law. I am not suggesting you should not go to the United Kingdom because you want good men, you must get them wherever you can, but you should not limit your look around because you are not looking for any of the personnel who are needed in the colonies, and I should like to see some of the best local law people selected from the local bar to be the justices. (Hear, hear.) Another matter leaving the question of the appointment of professionally trained magistrates, I have had the advantage of discussing matters with the Provincial Commissioner, and I am sure for any suggestion, wholeheartedly supported, that I will do. At the present time, I do not think naturally, I think that there have an enormous amount of work ahead of them, and not only there but their district offices, and the Provincial Commissioner tells me that he is going back after the summer of October to deal with 77 criminal cases. Certainly in the next two or three periods physical and administrative problems are going to have to be handled. It is absolutely full if we are to do what His Excellency has in mind, and I do not see how it is possible for them to do this ordinary work if it is done by all magistrates are going to have to be all magistrates are going to have to be all magistrates. I do not think I should like to see a very careful consideration of appointments should be made. It may be that they should be made for the purposes, they would then be required to do this, if they were to do this, what the situation I do not know what the set-up should be, but it would be careful

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though, because we do not want to waste either money or personnel. Do not let us run away with ourselves, it has to be done extremely carefully.

The hon. mover said there should be more expeditious dealing with cases, and linked that up with the appointment of a police surgeon. I am not competent to speak on that, but no doubt it is a desirable thing. Certainly I entirely agree that cases should be dealt with more expeditiously. How on earth one can expect a witness after a lapse, as I have seen here, of six to nine months to remember what the case is all about, especially if one bears in mind the type of witness we have to deal with, how after the lapse of so much time they can remember their evidence, remember what they are supposed to go into court and give as evidence, I cannot conceive. Probably a lot of cases go wrong because witnesses, with the best will in the world, forget what to say. I have known a murder case here—and the matter has already been referred to His Excellency—which shows the position, for it took over a year to bring to trial. Well, there is something wrong with that. I do not know where it is, but we have got to find out, and I think it is our duty to find out. I have already dealt with the question of the tribal police.

It is suggested that a Public Stores Act or similar legislation should be introduced here. In that connection I have already dealt with it, when I said I think it can best be met by amending the Penal Code. Then I think we can get rid of this Defence Regulation, which is not worth the paper it is written on (Laughter.) I have already in what copulation been in touch with the army authorities, and I have been discussing the question of amending that regulation, but the suggestion they put up did not meet the position, and I do not think it is any good messing about with it. The hon. mover referred to the Stock and Produce (Levy of Fines) Ordinance, and that suggestion will be considered. Then she asked for a revision of the present prison system. I know, and hope, that no reflection is cast on any member of the prison administration. Those hon. members who are visitors of the prisons know that those members are doing a magnificent job of work. To me, it is

most interesting to see the change of mind that has taken place in this type of administration during the last 20 years. They have ceased to be the oppressive, rather appalling, type one used to expect, and they do their job now on the highest possible level, though undoubtedly, again, the whole position needs looking into, and the first person to agree with the suggestion would be the Commissioner of Prisons himself.

Several members have urged that habitual criminals—I am going to use the word that I think is the ordinary English word, which describes anyhow to me what I am talking about (laughter)—that habitual criminals should be segregated. Well, sir, I cannot see why we should not take the same powers that they have in England under the Prevention of Crime Act, 1908, and if I may be pardoned for referring to the relevant section, it gives a court power where a person convicted on indictment of a crime, committed after the passing of the Act, and subsequently the offender admits that he is or is found by a jury to be a habitual criminal, and the court passes a sentence of penal servitude, if of opinion that by reason of his criminal habits and mode of life it is expedient for the protection of the public that he should be kept in detention for a lengthened period of years, may pass a further sentence ordering that in the determination of the sentence of penal servitude he be detained for such period not exceeding ten nor less than five years, as the court may determine. I think as a similar sort of provision would probably meet the wishes of hon. members of this Council. (Hear, hear.) They have it in the United Kingdom, and have it certainly in one colony in my experience, and I cannot for the life of me see why we should not have it here. This preventive detention is different to an ordinary prison sentence, but the reason why I think they say not less than five years is that any lesser period does not give the authorities sufficient chance of reforming a person. They try to teach him a trade and turn him out a useful citizen, and I know the experiment in the United Kingdom has been 100 per cent successful, it has been a magnificent experiment. They are able to turn habitual criminals into extremely useful citizens, and I think we might well follow the example and as soon as possible

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introduce a similar type of provision. Please do not think I mean "active consideration" when I say as soon as possible!

The hon. member referred to this matter of receivers. It has been suggested in the Press, I believe, I have not had time to read the article, that the hon. mover suggested whipping should be introduced for receivers. She never made any such suggestion, but what she does suggest that everybody does, and I suggest that everybody does, and I entirely agree, is that heavy penalties should be inflicted upon receivers. I believe that if the maximum, which is seven years, was imposed on a few receivers it would soon stop them receiving. (Hear, hear.) Other points about receivers, such as posting their names, and so on, will receive consideration. I am not going to take up the question of conspiracy. Whoever discusses the question of conspiracy, I find myself in entire agreement with it, because I have been in the fortunate position of defending in conspiracy cases, which is a very much easier job than prosecuting. The hon. member suggested that police headquarters should get out a manual for the guidance of young police officers. I welcome that suggestion, but I do not think it should be done by police headquarters but by my department. I think we can get out a manual that will be of considerable assistance. I do not mean a long tome, but we could get out a pamphlet, which would be of considerable assistance to the police, and I am going to investigate the possibility of doing so, and I can assure the hon. member that we will take action on it. It is a most useful suggestion, and I am sure the police will welcome it.

I think those were all the points made by the hon. mover. There was one point which was made by the hon. member Mr. Thakore. He said that frequently cases were not brought because when members of the public went to the police they were treated with such courtesy, I do wish that when such occurrences are brought to the notice of hon. members, they would report the matter, because the Commissioner of Police would be the very first person to see that that kind of thing is stopped. All Government servants are servants of the public, and the least they can do is

to be helpful and courteous to the public, and I am perfectly certain that if any specific case was drawn to the Commissioner's attention he will see it does not occur again. But do not go into generalities, give specific cases, so that they can be dealt with. The hon. member also suggested—I must confess that it rather astonished me, I do not think it was really relevant to the debate—that fraudulent bankrupts should not be treated as criminal offenders. Well, all I can say is that there does not appear to me to be very much difference between the man who sets out to defraud his creditors and the man who physically picks another person's pocket. (Hear, hear.) I would say in passing, that so long as I occupy the office of Attorney General of this Colony, I shall resist to the utmost of my ability any suggestion that the law should be amended in the direction suggested. (Hear, hear.)

I think I have covered most of the suggestions made. One hon. member drew attention to the desirability of collective punishment. I think that is a matter every body will agree needs carefully going into. It may be fully justified. I have known cases in the colony I came from. They had collective punishment for villages in connexion with sheep stealing, so that it is not an unattractive novel suggestion, but it is a matter which I think the hon. member will agree wants careful investigation and consideration. Another suggestion made was that dogs in the detection of crime might be employed in the detection of crime. He said we were always told here that it was brutal. Well, really, I do not know why it should be brutal. I think it is an excellent suggestion and I am sure you, sir, will take the matter into early consideration. It obviously will assist the police, and it seems to me that if it is good enough for most other countries it ought to be good enough for Kenya. (Hear, hear.) I do not think I can usefully add anything more to the debate. I understand that this matter has frequently been brought before Council, and hon. members have not been very satisfied with the action taken. (Hear, hear.) Well, sir, I am perfectly certain that action will be taken by you. I think that action will be the matter deserves all we appreciate that the matter deserves, and it is our duty to see that it gets it, and of course I am quite certain that hon. members will be in present

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[Mr. Foster Sutton] circumstances it may be very difficult to give full effect to the suggestions made, but I do say that an honest and real endeavour will be made to do so. (Applause.)

His EXCELLENCY: I have a few observations to make myself at this stage.

In the first place, reference was made by several speakers to crimes committed by members of the armed forces, and I will as soon as the report is available send it myself to the Commander-in-Chief in order that he may see what has been said. I feel confident that members may rest assured that he will take whatever steps which are in his power to take to remedy such conditions. As regards the question of the police terms of service, I cannot say much at this moment, except that I have, in the short time I have presided over this Council, heard a number of proposals to improve various people's terms of service with which, of course, in a general sort of way I am very benevolently concerned. But I must remind hon. members that these proposals are more frequent in times of abundant revenue than when revenue begins to fall, and requires prudence in the future to be considered. One aspect of the Police Force in countries such as this I have long had in mind, and I have indeed before the debate mentioned the matter to the Commissioner of Police. I cannot help feeling that largely for historical reasons, we have let our Police Force be kept in too military a uniform. There is too much living in barracks, too much way of thinking, and too much military parades and arms training. Of course, it is true that in peacetime we maintain such diminutive military forces that the police have a duty sometimes of a military or semi-military nature, but that does not alter the fact that I think the time has come when we ought, at least experimentally, to go into the question whether ordinary police constables, especially the ordinary police *arkats*, should not be much more a member of the community in which he lives. Just as a police constable in England is it is a thing to try experimentally. I cannot say what the effect may be on conduct and discipline, but

I do think it needs to be tried, and to be begun experimentally to see if there is anything in it. Nobody can say if there is until we have tried it. I am bound also to say that the accommodation that has been provided for the police, from what I have seen of it, is bad, and you cannot expect people living five or six in a tin room to have the standards of conduct you could wish. That ought to be improved as soon as possible.

Behind all this there is, I think, a larger and more important question which has been engaging my mind for many years and to which I am referring now because it is very germane to this debate. That is, the general organization of these Colonial Governments appear to me over centralized for modern conditions. (Hear, hear.) At the root of all this trouble, to the extent to which we have failed to remedy conditions which have been described in this debate, at least to the extent in which it was in our power to remedy them, lies the fact that at the centre of government our functions are altogether too centralized. There is nobody in the Colony with the office and responsibility, for example, of Minister of Justice, and it is my intention to take steps, and immediate steps, to improve that part of our organization in this particular case by turning over the authority—because responsibility without authority is no good to anybody—the authority for all these matters in connexion with the administration of justice in their various aspects that have been ventilated in this debate, to the hon. and learned Attorney General (applause), who will as a member of Executive Council have that group of subjects for which he will be responsible. It is good enough to say just now that he was quite certain that he should take some action. Well, the action that I propose to take can be briefly described like this: I propose to make quite certain that he takes some action. (Laughter.)

The debate has unquestionably been an extremely valuable one, and we are indebted to hon. members for their advice and criticism and for drawing our attention to all these things. I noticed in the course of the debate that nearly every speaker said somebody was doing a magnificent job of work. Nobody said that the Government was, I hope that at

[H.E. the Governor]

any rate in a year or two's time it will be possible to say the Government has tried, as of course it has tried in the past very hard, but it has hampered itself by over centralization.

Before the debate took place, I had a few words with the hon. mover, and said that in a matter of this kind it was common parliamentary practice for the motion to be withdrawn by leave of Council when the mover was satisfied that what he or she wanted to be done was in fact to be done. It is immaterial to me whether that is done or whether I put the motion and the motion, as it obviously will, be adopted. So perhaps in any concluding remarks the hon. mover makes she will indicate whether she wishes me to put the question or follow the other procedure—withdraw the motion if she is satisfied that steps will be taken. It is immaterial to me which course is taken.

MRS. WATKINS: Your Excellency, in reply I have really nothing to say except "thank you". An odd thing has happened. The support my colleagues have given me and the reply of the hon. and learned Attorney General has also given welcoming to this motion, has left me speechless—comparatively. (Laughter.) The hon. member has welcomed the motion, and I should like to say one thing, that, speaking for Kiambu and I think on behalf of my colleagues, I welcome the new spirit that is abroad to-day. (Hear, hear.) In his magnificent speech the hon. Attorney General said our system of justice was the admiration of the whole world. I think that to-day the torch has shone out and shown us why we value our system of justice; we can criticize ourselves, but can still have confidence in our justice, and the whole world will retain its admiration of it. I should be ungracious indeed if I did not, with the consent of my second, withdraw the motion and leave it in the hands of that new spirit which has come to our Colony. I have been out here 32 years, for 14 years of that I was the wife of a Legislative Councillor, and all now one myself, and never in all those 32 years have I known such frank and free help given to this side of Council from the other side or such a co-

operative spirit, inter-racial, between officials and elected members, and I should only like to say that I am intensely grateful for it. (Applause.)

The motion was by leave of Council withdrawn.

WAR TAXATION (SUGAR CONSUMPTION TAX) (AMENDMENT) BILL

FIRST READING

On the motion of Mr. Foster Sutton the War Taxation (Sugar Consumption Tax) (Amendment) Bill was read a first time, and notice given to move the subsequent readings at a later stage.

PENSIONS (INCREASE) BILL

SECOND READING RESUMED

MR. TESTER: Your Excellency, when the debate on the second reading of this bill was adjourned, the hon. Member for the Coast had put forward three points on behalf of correspondents of his who are pensioners in the United Kingdom. The first point was, why was our bill not dated back far as the home bill. We have gone into that point, and discovered that it does go back to the same date. The second point was, why was it our ceiling was £300 compared with certain ceilings in the United Kingdom which went up to £630 or £650. Our bill is based on clause 1 of the Pensions (Increase) Act at home, and the ceilings under that clause are £300, but precisely as are proposed here, but at home there is clause 2, which deals with different type of pensions, those of pensioners whose pensions were based on loss of living arising from Acts of Parliament in the last war. The Secretary of State has advised us that our pensioners do not come under that category, and such examination as has been possible locally confirms that opinion. I think the Civil Servants Association rather differ, and they will no doubt put up their arguments to Your Excellency on that point. The third point was, why should our pensioners begin to draw this increased pension at the age of 60, which is the retiring age at home, whereas ours is retiring age is 55. My reply is that at least three East African Governments, and certainly several others, have agreed to put forward the legislation allowing

(Mr. Tester) pensions to be increased at the age of 60, and if in a matter of detail we alter it at this stage it will cause a great deal of delay in paying pensions to people who are urgently in need of assistance. As a result of our discussion, the hon. Member for the Coast withdraws any opposition to the passing of this bill.

The question was put and carried.

BILLS

IN COMMITTEE

Mr. FOSTER SUTTON moved that Council resolve itself into committee of the whole Council to consider the following bills clause by clause:—The Class W Army Reserve (East Africa) Bill, the Revision of Laws Bill, the Customs Tariff (Amendment) Bill, the Public Trustee's (Amendment) Bill, the Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill, the Fish Protection (Amendment) Bill, the Control of Life Assurance with Native Bills, the Penalties (Increase) Bill.

Mr. BROWN seconded.

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

HIS EXCELLENCY. With the agreement of hon. members, I will make one slight change in the procedure in future. The present practice is to put each clause as it is called, but in future each clause will be called and then all of them put *en bloc*. If we reach one on which an hon. member wishes to speak he can do so, or one to which any amendment is to be moved.

The Bills were considered clause by clause.

Clause 1 of each was amended by the substitution of the figures "1945" for the figures "1944".

Customs Tariff (Amendment) Bill

Clause 2.

On the motion of Mr. Foster Sutton clause 2 was amended (a) by inserting immediately after the figure "2" the brackets and the figure "(1)", (b) by deleting the words "may exempt any member of the permanent Consular Service" in the first and second lines of the proviso and substituting therefor "may exempt any permanent member of the

Consular Service"; and (c) by inserting immediately at the end of the proviso "(2) This section shall be deemed to have come into effect on the 9th day of December, 1943".

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

Mr. FOSTER SUTTON moved that clause 5 be deleted.

The question was put and carried.

Mr. FOSTER SUTTON moved that the Bills be reported with amendment.

Council resumed, and His Excellency reported accordingly.

THIRD READINGS

Mr. FOSTER SUTTON moved that each of the Bills be 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, 17th January, 1945.

Wednesday, 17th January, 1945

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 17th January, 1945; His Excellency the Governor (Sir P. E. Mitchell, K.C.M.G., M.C.), presiding.

His Excellency opened the Council was put and carried.

MINUTES

The minutes of the meeting of 10th January, 1945, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By Mr. FOSTER SUTTON:

Select Committee report on the National Parks Bill.

By Mr. MARCHANT:

Statement containing the information required in Question No. 78 asked by the hon. member for Native Interests (Mr. Beecher).

ORAL ANSWERS TO QUESTIONS

No. 77—REGISTRATION OF BIRTHS

MR. PAROO:

Will Government please state the total number of births of Indian and European children during 1943 as distinct from the total number of such births registered during the same period?

Mr. SURIDGE: The number of Indian births registered in 1943, to which reference was made in the Annual Report of the Registrar General for 1943, under Tables "A" and "B" was 10,622, and the number of European births 608. The hon. member is aware that a large number of the births, especially in the Indian community, that were registered in 1943, actually occurred some years previously. It is therefore impossible to furnish the hon. member with accurate figures since the Registrar General is still receiving applications for authority to register births which occurred in 1943. The Registrar General, however, estimates that roughly 5,000 Indian and 500 European births actually occurred during 1943.

No. 78—LABOUR RECRUITMENT

MR. BEECHER:

In the light of the figures contained in the following table, taken from the published returns of the Labour Department, and indicating—

- (a) that some 47 per cent. of the able-bodied males are absent from North Kavirondo and from Luo country in regular employment, excluding those on military service;
- (b) that from Kavirondo generally the number of conscripts has increased by some 140 per cent. (i.e. from 6,406 to 15,475) in the last twelve months;
- (c) that the conscripts from Kavirondo represent some 63 per cent. of those from the Colony as a whole;
- (d) that life and work within the Kavirondo land units is likely to suffer very considerably if that area is further deprived of man power;
- will Government please take steps to stop further recruiting of labour from Kavirondo, and definitely to stop any further conscription of labour from that area?

	Low (9K and 0K1)	Kisii	N.K.	Kenya
Population	820,000	100,000	168,000	—
Total Males	203,450	78,930	128,930	—
Male 16-45	112,210	29,219	86,180	—
Total employed	45,000	8,250	50,700	—
Conscripts, 1943	2,772	850	1,784	—
Conscripts, 1944	8,538	2,183	4,684	51,720

Mr. MARCHANT: As the answer is a long one, a written statement giving the hon. member the information he requires has been laid on the table.

Mr. BEECHER: Your Excellency, as I gather that the reply contained in the statement is roughly to the effect that the figures I quoted are not true or do not represent the situation as it actually is, will Government guarantee that the labour returns published monthly in the Official Gazette give an accurate picture of the situation and not a distorted one?

Mr. MARCHANT: They are based on returns received from employers.

Statement containing the information required by Question No. 78 asked by the hon. member for Native Interests (Mr. L. J. Beecher):

The figures compiled from the 1944 Annual Labour Census reveal that there have been inaccuracies in the monthly labour bulletins from which the hon. member took his figures, owing to the fact that expired discharges have not always been reported. The latest figures show that—

(a) 35.21 per cent of able-bodied Luo, 28.09 per cent of Kikui and 47.58 per cent of Bantu Kavirondo, making an average of 39.21 per cent are in registered employment;

(b) the number of Kavirondo conscripted in the last twelve months has increased by 31.43 per cent (i.e. from 7,000 to 9,200) as compared with the previous twelve months. This increase is explained by the fact that conscription was suspended between February and June, 1943. There is the further point that Military recruitment was lower in 1944 than at any period during the war;

(c) the conscripts from Kavirondo represent approximately 50 per cent of the total from the Colony; and

(d) the total number of adult males at work in civil employ from Kavirondo land units in November, 1944, was 3,531 less than in December, 1942, and there has been no falling off in production within those units.

2. Since there is no reason to expect that the percentage of able-bodied man-power absent from the Kavirondo Land Units will increase (as conscription in future will be on a replacement basis), since production in those areas has been maintained indicating that there is sufficient man-power to carry on the normal life of the community, and since labour is still urgently required throughout the Colony for production and similar necessary work, the Government does not propose to take steps to stop further recruiting of voluntary or conscript labour from Nyanza Province.

No. 79—DIRECTOR OF POST-WAR RE-CONSTRUCTION

MR. COOKE:

Has the Government decided to appoint a Director of Post-war Reconstruction as recommended in the Report, or is the matter still "under consideration"?

MR. SURREIDGE: Your Excellency is at present examining the best method of implementing the various development and reabsorption plans which have been and are being made by the Government and hopes to be able to make an announcement on the subject shortly. Your Excellency has, however, authorized me to say that as at present advised Your Excellency does not think that such an appointment would achieve the desired object: the two principal obstacles to executive efficiency and promptitude in the public business are over-centralization and over-lapping; appointment of a Director of Reconstruction seems, anyhow at first sight, to be likely to accentuate both.

No. 81—KIBERA

MR. COOKE:

Will Government either (a) immediately ameliorate the conditions of the Nubians living at Kibera or (b) find suitable land for them elsewhere? Is it aware that this matter has been pending for a number of years and that such problems do not become any easier by being left alone?

MR. MARCHANT: I (a) In July last a social and economic survey of Kibera settlement was carried out and it may be of interest to hon. members to know that this survey disclosed the fact that health and living conditions in the settlement are far from being as unsatisfactory as had been supposed. There are, however, certain undesirable features connected with the settlement and Government has under consideration proposals for improving these.

(b) The question of finding suitable land elsewhere for the re-settlement of the lawful inhabitants of Kibera was exhaustively examined after the Report of the Kenya Land Commission but the suggestion was found to be impossible.

2. Yes, Sir, and the Government hopes to take early action in the matter.

No. 86—KIBERA

MR. BEECHER:

Will Government state (a) whether the hon. Chief Secretary has visited Kibera since the recent budget debate and, if so, with what result? (b) What plans has Government in mind for the immediate relief of social and economic distress at Kibera? (c) What long-range policy Government has in mind for the treatment of the Kibera situation?

MR. MARCHANT: (a) No Sir.

(b) and (c) The Government is at present investigating certain possible lines of improvement, both immediate and long range, but is not yet able to make a definite statement on the subject.

SUSPENSION OF STANDING RULES AND ORDERS

MR. FOSTER SUTTON moved that Standing Rules and Orders be suspended in order to enable the motion for the adoption of the select committee report on the National Parks Bill to be taken this day and the Increased Production of Crops (Amendment) Bill to be taken through all its stages this day.

MR. BROWN seconded.

The question was put and carried. Standing Rules and Orders were suspended.

NATIONAL PARKS BILL SELECT COMMITTEE REPORT

MR. FOSTER SUTTON: Your Excellency, I beg to move that the select committee report on the National Parks Bill be adopted.

In moving the adoption of this report I should like first of all to apologise to hon. members of Council for the lack of notice that it has been possible to give. As a matter of fact, the report was only completed and cyclostyled late yesterday afternoon and the last member's signature only obtained this morning before this Council met. In view of the fact that hon. members have had such a short time in which to consider it, with your permission, Sir, and theirs I propose to deal in detail with the

MR. COOKE: Your Excellency arising out of the reply, in view of the fact that the Commission's report was written a long time ago, would Government reconsider investigating the possibilities of suitable land? I understand these people are prepared to move if suitable land be found for them, and I myself could suggest such land to the hon. Chief Native Commissioner.

HIS EXCELLENCY: Government will certainly consider the hon. member's suggestion. I should like to add that, as a result of the myself of riding through Kibera settlement, and there is actually a surprisingly high standard of living in the settlement. But that does not affect the question of whether they ought to be there or not, that is another matter, but I will certainly look into it myself.

MR. SHAMSUD-DEEN: Will Government kindly give an undertaking that no more huts will be abolished as is being done at the present moment, pending such inquiry?

MR. MARCHANT: They are huts owned by unauthorized people.

HIS EXCELLENCY: I think the best undertaking I can give is that I will look into the matter myself and ascertain rather more of the facts than I know at present, if that will satisfy hon. members for the moment.

No. 82—REQUISITIONED HOUSES AT MOMBASA

MR. COOKE:

Is the Government aware of the great dissatisfaction among Europeans and Indians in Mombasa regarding the continued occupation of their dwellings by Service personnel? Will it therefore immediately appoint an impartial committee to review all the requisitions in conjunction with the Service authorities to ascertain whether all or any of these requisitions should be cancelled?

MR. TESTER: The matter has been referred to the Military authorities and a written reply will be given as early as possible.

[Mr. Foster Sutton] amendments, as I believe it will be of assistance to them. The select committee considered, before making its report, all the suggestions that were made by hon. members during the debate on the second reading of the Bill. They also heard representatives from the Game Policy Committee, and all the recommendations and suggestions made by that committee were carefully considered, and a number of them have, in fact, been adopted. Furthermore, the committee heard a representative of the Commissioner of Mines in connexion with Clause 14 of the measure, and although we did not find ourselves able to adopt the suggestions put forward by the Commissioner of Mines through his representative we have recommended the adoption of a suggestion that was made in this Council, that there should be an appeal from any decision of the trustees refusing a person prospecting or mining rights in a national park. I should have prefaced my remarks by saying that I shall make an amendment which is purely verbal, to Clause 1 of the Bill by substituting 1945 for 1944.

Turning to the report itself, hon. members will observe that the committee recommend the deletion of the offensive word that was referred to on several occasions during the debate on the second reading, and they have also included two other words, aesthetic and geological. That entails an alteration to the long title and also to the preamble. It is purely formal, and was a suggestion made to the committee which we thought should be adopted. The inclusion of the words follows the international convention. Paragraph 2 is merely a repetition of the matter I have just referred to, and paragraph 3 seeks to include in Clause 2 a definition of Native Lands Trust Board. That is inserted because it was contended by persons representing native interests that, before any area should be declared a national park, if it in any way affected native reserves, temporary natives, or native leasehold areas the Native Lands Trust Board should be consulted. We all know that under the Highlands Order in Council anything affecting the disposition of land in the Highlands involves consultation by the Governor with the Highlands Board, and

the committee recommend that where native lands are affected, or are likely to be, by any declaration the Governor should be required to consult the Native Lands Trust Board. That entails an amendment to clause 3 by adding the words after Highlands Board in the proviso the words "and in the case of land situate in the native reserves, the temporary native reserves and the native leasehold areas the Governor shall, in the first instance, consult the Trust Board". He is not bound naturally to follow the board's advice, but the position is exactly the same as exists in connexion with the Highlands Board. That involves another amendment to clause 4, which is consequential to the one to clause 3, by adding the same words to the proviso at the end of clause 4.

Then the committee recommend that clause 5 be amended by increasing the number of members to be appointed to the board under paragraphs (e) and (f), from 2 to 3. There was considerable debate in committees on this point, and the committee recommend that the numbers be increased, firstly, in the interests of flexibility and, secondly, in the hope we all felt. I think I am right in saying, that this bill must be treated always as entirely non-racial. On the other hand, it did appear desirable to the committee that as many interests as is reasonably possible should be represented on the board, and it is hoped that by increasing the number it will make it possible for more interests to be represented on the board. When I say interests, they are not representing their own interests but what they deem to be the interests of the public whom they represent. Under the Governor's appointments it was suggested at an early stage, and agreed to, I think, that some person with financial knowledge should be appointed by the Governor. The committee did not feel very strongly about it, but they think that it may be unnecessary, because there can be little doubt that among the members there will be persons with some financial experience, business men. We recommend that clause 8 be amended by deleting the words in the first line "with the approval of the Governor"; under that clause the trustees are empowered to accept areas of land which will be

[Mr. Foster Sutton] called park adjuncts, and as drafted and approved originally the bill required the trustees to obtain the approval of the Governor before they could accept any area of land as a park adjunct. The committee felt that this body was going to be a responsible body of persons and should be able to decide whether to accept an area or not and that reference to the Governor was really unnecessary and, in many respects, undesirable. We felt that they should have full responsibility in connexion with such a matter.

In clause 8 (4) the committee recommends that we add a similar proviso to the new proviso to clause 3. There was a good deal of debate about it, and I think that that cannot stand. If we delete the approval of the Governor, we cannot have that proviso too. It did not strike me that if the Governor is not to be consulted it is entirely a question for the trustees, and I will move an amendment. In clause 9 we recommend the insertion of the words "and upon the death of any such officer or servant their dependants shall be paid such gratuity or allowance" at rates that the trustees may deem reasonable and proper. It was my deern reasonable and proper. It was thought that in addition to providing retiring benefits for officers and servants of the trustees, it ought to be possible for the trustees to make some provision for the dependants of a deceased officer or servant, and this gives rise to it. In clause 12 we recommend that paragraph (e) be amended, and that the whole paragraph has been cut out and a new one put in; it was only done in the interests of clarity. The words added are "to cut", and it goes on "and to set fire". It was thought that the cutting of vegetation ought to be prohibited unless it was done under the authority of the trustees or their officers or servants. We also recommend the insertion of a new paragraph (h), which reads: "to remove from a national park any object of geological, prehistoric, archaeological, historical or other scientific interest". If hon. members will turn to clause 12 they will observe that the removal from a national park of any animal or vegetation is an offence, and it was felt that the removal of any articles such as described in (h) should also be prohibited unless done with the authority of the trustees.

In clause 13 we recommend in line 1 after "any person authorized by the words "in writing" be inserted. The committee felt that any authorization should be in writing, and that a person ought to be able to ask any officer or servant where his authority was for doing an act. We recommend the amendment, which is to main one, to clause 14 to give effect to the suggestions made by you, sir, in this Council when the bill was being debated. We recommend the addition of sub-clause (2) to read: "Any person aggrieved by any decision of the trustees, made under the provisions of sub-section (1) of this section, may appeal to a committee appointed by resolution of the Legislative Council of the Colony, consisting of a chairman and not less than four other persons, all of whom shall be members of such Council". That gives effect to the suggestion made in this Council, and to the appeal made by you, sir, that an appeal of members of the committee members of the Council. We also seek to add a further sub-clause (3): "On any appeal, under the provisions of sub-section (2) of this section, the committee may make such order as to them may seem meet, and any such order shall be final and conclusive". It is obvious that if there is to be an appeal the committee must have power to say what is to be the result of the appeal, and we also felt that any decision of the committee should be final and conclusive and it should not be possible to take it to court to question the decision. The new sub-clause (4) is an enabling one, to enable you, sir, to make rules regarding the procedure to be followed under this section. That is essential. Rules will have to be made for the time in which appeals can be made and how they are to be handled, and presumably they will be sent to the Clerk of this Council, so that this will be the machinery.

There is no other amendment until we come to clause 18, where we suggest that paragraph (f) be amended, and we have inserted in our report in the interests of clarity the whole of it. The only words added are the words "in and over". The object of the amendment is to enable the trustees to make regulations for national parks to make regulations controlling aircraft flying over national parks. It was strongly represented that it should not be possible for aircraft to fly low and

(Mr. Foster Sutton) frighten the animals and probably do a tremendous amount of damage by adopting that type of procedure, and this will enable the trustees to control it. Then we recommend that clause 19 (4) be amended to read before: "Any vegetation introduced into a national park in contravention of the provisions of this ordinance may be destroyed". We merely seek to insert after the word ordinance, "may, by order of the trustees or any officer or servant of the trustees duly authorized by them in that behalf". It was felt that something specific should be said regarding who might order any article to be destroyed.

Those are the amendments recommended. Some fears have been expressed as to the position of roads in general use by the public, and regarding the railways. The idea is that, when an area is declared a national park, roads in general use by the public and, of course, the railways, will be excluded from that area. I understand from the hon. Commissioner for Lands and Settlement that it will not be a difficult matter to exclude all the roads necessary in any proclamation.

MR. TROUGHTON, seconded.

MR. COOKE: Your Excellency, as one fairly closely associated with the drafting of this bill—or, rather, with the stages that led to the drafting of the bill—I should like to thank the hon. and learned Attorney General for the almost incredibly patience and, it goes without saying, the skill, with which he faced the interminable discussions that took place. I think if you, sir, had been present you would agree with me, that if my hon. friend had assassinated one of the members, including myself, he could justifiably plead justifiable homicide! (Laughter.) There is just one point I want to make. I saw the Game Warden on his return from leave last night and brought up this point about the increase in the number of trustees, and as he was very closely associated, and was indeed, the originator of the whole idea of national parks, he said he was very glad that opportunity might be given of associating every race in the carrying out of this important trust. I think it is a great thing that we should, perhaps, while differing politi-

cally, meet on common ground in this matter. I support the motion.

MR. THAKORE: Your Excellency, as a member of the select committee, when this bill came up for consideration there was one question raised about representatives on the board of trustees. While it was my intention to ensure that the board of trustees was made as fully representative of the various interests as possible, I raised the issue of a definite nomination of members from the Federation of Indian Merchants Chamber, and when I raised it it was described as a quibble in some quarters and as the introduction of politics in other quarters. In the select committee that point was slightly met by the enlargement of paragraphs (e) and (f) which gave Your Excellency authority to appoint three instead of two members. I sincerely trust that when you come to make these nominations you will ensure that all the various interests are fully represented. I support the motion.

MR. SHAMSUD-DEEN: Your Excellency, I merely wish to add that there is no political significance in asking for this at all. All that British Indian subjects in this Colony desire is they should be given an opportunity of partaking in discussions and a live interest in what is going on. We belong to the family known as the British Empire, and are not excluded merely on account of the colour of our skin.

MR. MATHU: Your Excellency, there is a small remark I wish to make on this report. Firstly, I should like very much to associate myself with the words of the hon. Member for the Coast when he thanked our chairman on the excellent way in which he conducted the committee. All of us felt he did the points made were very patiently met, particularly those I made which I thought would safeguard African interests in the matter of land more than they were in the draft bill. I should also like to say that on the question of representation on the board of trustees I hope Your Excellency will see to it that under clause 5 (2) (e) direct African representation is effected on the board. I very much hope that this does not mean that we are making the bill racial, but I should like

(Mr. Mathu) feel that no community is left unrepresented on this very important board which will have a lot to do with the interests of the African community in the country. With those remarks I support the motion.

MR. NICOLL: Your Excellency, I think we are all agreed that this bill is right outside any political or racial arguments at all, and it is absolutely essential that all communities in this country are interested in these national parks. The bill is for the benefit of the country, and that is one of the reason why I say that I am very pleased we were able to make the alteration to clause 5 (2) (e). I would also like to say that I hope Your Excellency when considering nominations will take into consideration the remarks of the hon. members Mr. Mathu and Mr. Thakore.

Coming to this proviso, do I understand the hon. Attorney General wishes to delete it? I think the argument was that time for putting in that proviso was that clause 8 really hung with clause 4, where clause 8 really hung with clause 4. Your Excellency will see on page 2 of the bill as printed the proviso which reads: "Provided further that in the case of land situated in the Highlands the Governor shall, in the first instance, consult the Highlands Board". Clause 4 has been altered to include consultations with the Native Lands Trust Board. If you have got to do that under clause 4, I do not see how you can insert a similar qualification under clause 8 dealing with park animals. I think it was for that reason that we had to put it in. There was one suggestion I did make at the time of signing the report, but I do not intend to press it, except that clause 12—paragraph 12 of the report—the last sentence should be amended so that persons may know by what routes they may pass through or over a national park. I think it would be a good thing to have that in, because it is possible to lay down specific routes for aircraft.

MR. BEECHER: Your Excellency, I would like to suggest for consideration in connexion with paragraph 7 of this report and the amendments proposed to clause 8 in the bill, that the deletion of the words "with the approval of the Governor" is undesirable, and in consequence the proviso in (c) of paragraph 7

of the report can be retained. I fully agree with the remarks made by the hon. Member for Mombasa in suggesting that there is a need for that proviso, and I think that could legitimately be retained if the words "with the approval of the Governor" as they stand in the bill were themselves retained. I do not want to complicate the issue before Council, but that is valuable and can be retained if the small amendment to the committee's report is agreed to.

MR. FOSTER SUTTON: On a point of explanation, the hon. Commissioner for Lands and Settlement has suggested the insertion of a few words in that proviso which will meet the point made by the last speaker.

MR. BROWN moved that the motion be amended by the addition of the words: "With the following amendments: (a) by inserting the words 'where the Governor is the competent authority' between 'that' and 'in' in line 1 of the proposed proviso in paragraph 7 (c) of the report; (b) by inserting a comma immediately after the word 'Highlands' in line 2 of that proviso; (c) by inserting the words 'or over' between the words 'through' and 'a' in the last line of the proposed proviso (f) in paragraph 12 of the report."

MR. TESTER seconded.

The question of the amendment was put and carried.

MR. FOSTER SUTTON: Your Excellency, I should like to thank the hon. Member for the Coast and the hon. member Mr. Mathu for their very kind remarks to about me. In my turn would like to say, at the expense of being accused of making another speech, that I am sincerely grateful for all the assistance that hon. members gave me as chairman that hon. members. I think that agreement of that committee rendered possible because of give and take, a desire to turn out a reasonably decent job, and I in my turn sincerely thank them for all the help so given. I should also publicly thank the members of the Game Policy Committee, who have rendered so valuable help and assistance ever since their inception of the idea of introducing this measure. (Hear, hear.)

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

Bill

INCREASED PRODUCTION OF CROPS (AMENDMENT) BILL.

FIRST READING

On the motion of Mr. Foster Sutton the Increased Production of Crops (Amendment) Bill was read a first time.

SECOND READING

MAJOR CAVENDISH-BENTON: Your Excellency, I beg to move that the bill be read a second time.

I should perhaps in the first instance explain to the Council why there is some urgency about this small amending Bill necessitating the suspension of Standing Rules and Orders. The necessity arose from the fact that farmers throughout the country have been asked and, indeed, required, to send in their production programmes for this year before the end of this month, and planning orders have to be issued in reasonable time before the rains. We have discovered that planting orders in the form in which they go out are not wholly satisfactory. We therefore want to amend the ordinance to make the planting orders more satisfactory. It may be asked, why was this not discovered before? I can only say that the reason why it was not discovered before was that we have for the last two years given planting orders in their present form, and not until a prosecution was suggested and the papers were in process of being considered with a view to making a prosecution, that we discovered there were small lacunae in the ordinance. The bill itself is quite short, and I think the memorandum of the "Objects and Reasons" is so full that very little explanation is needed.

The first amendment, which refers to section 2 of the principal ordinance, provides that the Governor, with the advice of the Agricultural Production and Settlement Board, may by order published in the Gazette declare what is a "crop". The desirability of that is, that at the present time in the ordinance all "crops" are specified, and we have found by experience that we may need on occasion to remove a crop from the ordinance with the full agreement of the Production Board. Such a case occurred during last year in the case of potatoes. At the moment, as the ordinance stands, we cannot do that until there is a session of this Council and an amending ordinance is passed. It is obviously as things are and are likely to be in the next year

or two, desirable to have more elasticity in the ordinance and to provide some method of removing or adding a crop without having to wait for a session of Legislative Council. The second amendment to section 11 is to provide for the date by which a farmer has to carry out the orders given him in his planting order. Recently a case occurred in which we were requested by both the sub-committee and district committee to undertake the prosecution of a farmer who had disregarded the orders given to him. Owing to the fact that it is provided in the ordinance that the board has to stipulate the date by which a certain order has to be undertaken, and that the board itself had not stipulated the date, although the sub-committee had done so in writing, a prosecution was bound to fail. It is obvious that anybody sitting in Nairobi cannot possibly give to each farmer instructions as to the date by which he should carry out his farming operations, and therefore all this amendment seeks to provide is the means by which and authority by which sub-committees who, after all, are the people responsible, have the necessary authorization to order a man to plant by a certain date. It also provides that a farmer, if he does not receive an order, has to inquire and find out by what time he is supposed to carry out his programme.

MR. FOSTER SUTTON seconded.

The question was put and carried.

WAR TAXATION (SUGAR CONSUMPTION TAX) (AMENDMENT) BILL.

SECOND READING

MR. TROUGHTON: Your Excellency, I beg to move that the War Taxation (Sugar Consumption Tax) (Amendment) Bill be read a second time.

The objects of this bill can be stated quite simply. In the first place, it is customary for Service departments to be exempt from taxation imposed under local enactments, and we have various precedents. There is no particular reason why the Service departments which, in fact, means the British taxpayer, should be required to pay this particular tax, and clause 2 seeks to grant the necessary exemption with retroactive effect from the date of the enactment of the principal

Bill

[Mr. Troughton] ordinance. Clause 3 deals with a question of procedure. At present a sugar importer importing sugar from Uganda, or wishing to import it, has to obtain a permit, and before he can get the permit he has got to pay the tax on the sugar he proposes to import. That is cumbersome. It is much simpler that the tax should be paid to the Commissioner of Customs by the Uganda manufacturer on behalf of the importer, and the Uganda manufacturer would recover it from the Kenya importer by putting it on his bill. The Commissioner of Customs has the machinery to do this and the Uganda exporters are prepared to play. Clause 3 thus enables the Commissioner to introduce this system. Clause 4 is a small amendment which is consequential on clause 3.

MR. FOSTER SUTTON seconded.

The question was put and carried.

BILLS

IN COMMITTEE

MR. FOSTER SUTTON moved that the Council resolve itself into committee of the whole Council to consider the Increased Production of Crops (Amendment) Bill and the War Taxation (Sugar Consumption Tax) (Amendment) Bill clause by clause.

MR. BROWN seconded.

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

The Bills were considered clause by clause.

MR. FOSTER SUTTON moved that the Bills be reported without amendment.

Council resumed.

His Excellency reported accordingly.

THIRD READINGS

MR. FOSTER SUTTON moved that the National Parks Bill, the Increased Production of Crops (Amendment) Bill, and the War Taxation (Sugar Consumption Tax) (Amendment) Bill be read the third time and passed.

MR. BROWN seconded.

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

ADJOURNMENT

Council adjourned *sine die*.

17th JANUARY, 1950

Written Answers to Questions

Written Answers to Questions

NO. 62—FAMINE RELIEF EXPENDITURE

MAJOR JOYCE:

Will Government state what expenditure has been incurred on famine relief during the 12 months ending 31-8-44 in (a) the Ukamba Reserve—Machakos District, (b) the Ukamba Reserve—Kitui District, (c) other native reserves?

Reply:

The gross figures of expenditure, actual and due for payment, on famine relief during the 12 months ending 31-8-44 are:—

(a) The Ukamba Reserve—Machakos District, £238,785.

(b) The Ukamba Reserve—Kitui District, £7,083.

(c) Other Native Reserves, £54,546.

The expenditure referred to is based on a price for cereals of Sh. 13 l.o.s. tender's station.

NO. 83—TSETSE FLY CONTROL STATIONS

MAJOR JOYCE:

In order to reduce the spread of tsetse fly from the fly areas through which the Mombasa-Nairobi road passes, will Government establish near Simba or at some other station at which on this road a control station at which all cars and lorries moving up-country will have to be stopped to be cleared of tsetse fly before proceeding?

Reply:

The Government will make an early investigation into the question raised by the hon. member and will afterwards take whatever measures are necessary and practicable to prevent or reduce the spread of tsetse fly from the areas in question by road and rail vehicles.

NO. 84—NATURALIZATION

MAJOR JOYCE:

Will Government please state the number of enemy aliens and stateless persons who have been naturalized in Kenya (a) during the five years preceding the outbreak of war, and (b) during the five years subsequent to the outbreak of war?

Reply:

The figures requested are as follows:—

(a) Persons who would otherwise have now been enemy aliens naturalized between September, 1934—September, 1939: Males 8, Females 2.

(b) Enemy aliens naturalized between September, 1939, and September, 1944: Males 17, and Females 3.

In addition the following wives of naturalized enemy aliens have acquired British nationality "by declaration":—

(a) September, 1934—September, 1939: 1
(b) September, 1939—September, 1944: 10

NO. 85—AFRICANS AND LOTTERIES**MR. BEECHER:**

Will Government please state (a) the present position regarding the participation in lotteries and raffles by Africans, (b) the present position regarding the organization of lotteries and raffles by Africans, (c) whether it is Government's intention to make any modification in the present position and, if so, what modification?

By way of personal explanation the questioner asks leave to state that he is personally opposed to the organization of lotteries, raffles, and the like, but, on behalf of those whom he represents, concerned that this present position should be made clear owing to the existing dissatisfaction abroad owing to the differential treatment of Africans.

Reply:

(a) Under the provisions of section 174 of the Penal Code no person may carry on a lottery unless the carrying on of such lottery is authorized by the Commissioner of Police or by a police officer not below the rank of Assistant Superintendent duly authorized, in that behalf, by the Commissioner of Police. In granting such authorization the invariable practice is to make it a condition that no African may participate in a lottery or raffle organized by Europeans or Asians.

(b) Lotteries and raffles organized by Africans are governed by the provisions of section 174 of the Penal Code.

(c) No modification of the present position or practice is considered necessary or desirable.

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OFFICIAL REPORT

VOLUME XX

SECOND SERIES

Fourth Session: 11th October, 1944, to 17th January, 1945

EXPLANATION OF ABBREVIATIONS

Bills: Read First, Second or Third time=1R, 2R, 3R;
Com. = In Committee; SC = Referred to Select Committee; SCR = Select Committee Report; Re.Cl. = Re-committed to Council.

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Erratum—
Col. 437, after motion *re* Kenya Coffee Control overdraft, insert: "On motion of Mr. Foster Sutton the following Bills were read a first time: Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill, Fish Protection (Amendment) Bill, Control of Life Assurance with Natives Bill, and notice given to move the subsequent readings at a later stage of the session"

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